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H S Crawford Esq.

IN THE MATTER OF The Public Inquiries Act, being Chapter 258 of The Revised Statutes of Alberta, 1955, and Amendments thereto; and,

IN THE MATTER OF an Inquiry by a Royal Commission into the matters set out in Order-in-Council 861/67 respecting the use or attempted use by the Honourable Alfred J. Hooke of his office as a member of the Executive Council of Alberta, and the use or attempted use by Edgar W. Hinman of his office as a member of the Executive Council of Alberta.

PROCEEDINGS BEFORE
THE HONOURABLE MR. JUSTICE
W. J. C. KIRBY

C. W. CLEMENT, Esq., Q.C.,
S. A. FRIEDMAN, Esq., Q.C.,
S. H. McCUAIG, Esq., Q.C.
L. MAYNARD, Esq., Q.C.,
W. B. GILL, Esq., Q.C.,

G. A. C. STEER, Esq., Q.C.
D. H. BOWEN, Esq., Q.C.
N. S. CRAWFORD, Esq., and
J. D. HILL, Esq.
G. S. D. Wright, Esq.

Commission Counsel
Departments of Government
E. W. Hinman, Esq.
The Honourable Alfred J. Hooke
G. A. Turcott, Esq.
Mr. Neil Reimer
Dr. C. A. Allard
Liberal Association of Alberta
Progressive Conservative Party of
Alberta
Alberta New Democratic Party

W. ALAN SHORT, ESQ.,
Clerk to the Commission.

VOLUME No. 38

DATE November 17, 1967
(Pages 4026 - 4132)

Supreme Court Reporters
EDMONTON, ALBERTA

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Ruling Re Experts

PROCEEDINGS before The Honourable
Mr. Justice W. J. C. Kirby, this
17th day of November, A.D., 1967,
at 9:00 o'clock in the morning, at
the Court House, in the City of
Edmonton, Province of Alberta.

THE COMMISSIONER: Some weeks ago Mr. Crawford advanced the suggestion that it would be desirable for this Inquiry to have the benefit of an expert opinion, particularly as to what the meaning, the proper meaning should be attached to the words "public duty" as they appear in the Terms of Reference, and in support of that proposal Mr. Crawford suggested that some distinguished scholar in the field of Government and politics, and he proposed (although not, certainly not restricting consideration to those particular men), he proposed the names of several distinguished men in that field; and I heard on that occasion submissions from other counsel, both favoring and opposing this proposal.

This Inquiry relates to standards of conduct applicable to a Minister of the Crown in the course of his duties as such. We are concerned with moral standards, not legal standards, because under our system of Government legal standards, of course, are not spelled out in this particular field.

Now, Phipson on Evidence states as a rule of evidence this:

"Neither experts nor ordinary witnesses may give their opinions upon matters of legal or moral obligation or

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THE COMMISSIONER: (Cont.) general human nature or the manner in which other persons would probably act or be influenced." And this rule is also stated in Halsbury, 3rd Edition, Volume 15 at page 323.

Now, I need hardly point out to counsel that these rules of evidence have evolved from many leading decisions extending over a long period of time and represent, as do all our common law rules and principles, a distillation of what has been found best suited to achieve the ends of justice. This rule has been followed in many leading cases, and I just propose to refer to one of the older leading cases and a recent case in which it was applied.

In Campbell versus Rickards, reported in 1833, 110 English Reports at page 1001 Chief Justice Denman of the Court of Kings Bench based his reasoning on some remarks made by Chief Justice Gibbs in an earlier case, which I need not cite, in which Chief Justice Gibbs stated this:

"It was not a question of science in which scientific men will mostly think alike ..."

He is talking here about opinion evidence.

"... but a question of opinion, liable to be governed by fancy and in which the diversity might be endless. Such evidence leads to nothing satisfactory and ought on that ground to be rejected."

Now, following that, those remarks of Chief Justice Gibbs, Chief Justice Denman said this:

"Witnesses conversant in a particular trade may be

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THE COMMISSIONER: (Cont.) allowed to speak to a prevailing practice in that trade; scientific persons may give their opinion on matters of science; but witnesses are not receivable to state their views on matters of legal or moral obligation, nor on the manner in which others would probably be influenced, if the parties had acted in one way rather than another."

There is a rather interesting case decided only last year by the Court of Appeal in Ontario. This was an obscenity case in which there was a question as to whether certain paintings, I am quite sure most counsel are familiar with this case, as to whether certain paintings constituted an offence against community standards, and this case, Regina versus Cameron, is reported in 1966, 58 Dominion Law Reports at page 486, and is a decision of the Ontario Court of Appeal; and in his judgment Chief Justice Aylesworth said this, that:

"He did not feel that the matter was so beyond the general instinctive sense of the Court as to require expert testimony. Instead ..."

he said,

" ... the Court took judicial notice of those contemporary Canadian community standards of decency, relying upon the sense of morality so perceived."

And I think that that, those words are equally applicable here in the sense of the evidence that we have to consider.

It seems to me that the opinion of such an expert as

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THE COMMISSIONER: (Cont.) proposed, since he would not have the benefit of having heard the evidence, would be entirely in the abstract. I do not feel that such an opinion would be very helpful to this Inquiry. In any event, it would be but one man's opinion. From my experience with expert evidence, with certain notable exceptions, you can get as many opinions as you can get experts.

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THE COMMISSIONER: (Cont.) We have had on this inquiry a wide diversity of points of view represented by, if I may say, a very highly competent group of counsel, and I am quite confident that by referring to the same sources of material that are available -- that would be available to any expert witness that would be called here, since his opinion, being a scholar, would be based on the reading of various political sources of material, and by relating the evidence which they have heard to the views of such authorities, I am satisfied that counsel will or can effectually advance what they consider to be the proper criteria to be applied in determining whether or not the charges which form the basis of this inquiry are justified. Accordingly, Mr. Crawford, I am unable to adopt what you are proposing. Mr. Clement?

MR. CLEMENT: Sir, I will call Mr. Cook.

MR. GILL: Mr. Commissioner -- I had spoken earlier, Mr. Commissioner, to Mr. Clement: I have an application at this time.

Sir, I would first ask that the government in the person of Mr. Elford, bring forward, perhaps by Tuesday, if they can, when we hope to reach Mr. Hooke, the record of his earnings as a cabinet minister since September of 1953 -- I believe it was that date that he first became --- no, since June 1st, 1943, when he first became a cabinet minister of the Government of Alberta, and with that would they please bring the list of his

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MR. GILL: (Cont.) expenses, the money he has received as expenses from the Government of Alberta, since the time he was a cabinet minister. My learned friend Mr. Elford tells me this may present some difficulty because of the habit of the government of destroying these records after five years, but he can advise you on that. This is my first application, sir; I have another one.

THE COMMISSIONER: Fine, Mr. Gill. Mr. Maynard?

MR. MAYNARD: It is a matter of public record, Mr. Commissioner, and I have no objection. It may not be possible to have the itemized expenses from year to year, but the public accounts will certainly show the amount that Mr. Hooke has received, both as a cabinet minister, as an MLA, and also the expenses for the particular year.

THE COMMISSIONER: The representative for the Attorney General's Department will --

MR. CLEMENT: Mr. Commissioner, perhaps Mr. Maynard is referring to the public accounts; I am sure he must be.

MR. MAYNARD: Yes.

MR. CLEMENT: And that, of course, as he has pointed out is just a matter of getting the books together over the years --- an interesting exercise, but I am trying to conduct an inquiry along certain lines, and the value of that information escapes me at the moment, sir.

THE COMMISSIONER: Would you like to indicate, Mr. Gill, your purpose in asking for this information?

MR. GILL: I think I should then proceed with my

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MR. GILL: (Cont.) second application, and if I might enlighten my friend, I consider that to be a floor: these are the basic earnings of Mr. Hooke. As I understand, the Commission is enquiring into whether or not he used or attempted to use his office for personal gain, and normally, since the Phoenicians invented it, money has been a standard of personal gain in many ways. So that is one of the criteria I think this Commission must look at.

So I come to my second application, and that is that an auditor make an audit of the personal earnings of Mr. Hooke for the period, June 1st, 1943, to date. This is the period in which he has been a minister of the Crown for the Government of the Province of Alberta. Now, I have no doubt ---, in speaking with my learned friend Mr. Maynard, before making this application, that Mr. Hooke will bring certain evidence here. He may bring income tax returns, he may bring bank accounts, but you as a Commission have no opportunity to have these cross-checked. Now, I do not propose to have these made documents of public record. I think they should be available to counsel to examine, to cross-check -- but we are not auditors and we are not accountants. Then, when we know that we will be in a better position to say whether or not Mr. Hooke has in fact made personal gain or attempted to make personal gain on the criteria of money. That is my application, sir.

MR. CLEMENT:

Mr. Commissioner -- ?

THE COMMISSIONER:

Mr. Clement?

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MR. CLEMENT:

I was going to say, sir, that Mr.

Hooke may well have made money or lost money in certain circumstances which are not by any manner of means within the scope of this inquiry, and, with respect, sir, I would say that perhaps it would be impertinent to go into transactions with which this inquiry is not concerned at all. I understand Mr. Gill's point of view: we will never know until we examine the books whether a sum of money earned or lost, as the case might be, does come within the scope of this inquiry, so that we are indeed faced with a difficult situation in this application, but I think, sir, that some circumspection must be exercised by you on such an application as this.

THE COMMISSIONER:

Mr. Maynard?

MR. MAYNARD:

Mr. Commissioner, I have already

discussed with the auditor of Mr. Hooke the statements relating to the transactions that have been brought forward before this inquiry: Sherwood Park, the Bronx-Capilano exchange; the Whitecroft transaction; and one or two other land transactions of this nature.

We are prepared to submit before this inquiry information from the auditor --- not necessarily from Mr. Hooke, but as prepared by the auditor. Now, the information that the auditor has given us up to the present time are worksheets prepared by the auditor some years ago when the auditor was working on Mr. Hooke's income tax returns, and if my friend wishes the auditor to come forward

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MR. MAYNARD: (Cont.) and explain these statements we are quite prepared to have him.

As to going beyond that, as to the personal transactions of Mr. Hooke, shares he may have bought on the stock exchange, and so on, and so on, and as to any other property he may have bought or invested in in the City of Edmonton, and a net worth statement, Mr. Commissioner, I submit that this is absolutely irrelevant. This is nothing but a fishing expedition. My friends have been fishing now since September 12th. We have had submitted in the Legislature certain documents which have been used as the basis of this inquiry to start with. It has been shown through this inquiry that there is nothing, absolutely nothing in the original documents submitted in the Legislature to justify this inquiry; and ever since then my friends have been trying to fish through government files, through witnesses, to try to get something to pin on Mr. Hooke.

Now, I submit, Mr. Commissioner, there has to be an end to this kind of fishing game. We are prepared to open up the records of Mr. Hooke in relation to any transaction that has been brought before this inquiry, and I submit that Mr. Hooke should not be required to present his bank accounts, to present his personal transactions relating to anything that is not before this inquiry, and I submit that regardless of how my friends may consider it relevant, there has been no evidence adduced up to the

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MR. MAYNARD: (Cont.) present time, not even an innuendo, to suggest that Mr. Hooke by virtue of a transaction he may have made on the stock exchange, has either made or lost money.

Now, I submit, Mr. Commissioner, that the application is going away too far. We are prepared to submit, as I indicated, any information and bring in the auditor. We have statements from the auditors now. We are prepared to bring in the auditor himself to explain these statements, and to be examined on the statements that he himself has prepared, not Mr. Hooke. I suggest that that is as far as we should go.

THE COMMISSIONER: Mr. Wright?

MR. WRIGHT: My Lord, just on the matter of a "fishing expedition" -- my learned friend has used this expression before on more than one occasion -- but we should realize that this is not a proceeding in which the parties, so to speak, have been able to make their own investigations before we come here, as in an ordinary case. We are making the investigation right here in the courtroom, so it has to be a "fishing expedition" after "fishing expedition" -- if we want to adopt that expression -- to see if there is anything there.

As to my learned friend's application itself, it is a very common thing, I understand, in inquiries of this nature that the person under inquiry, if it is a matter of his having made money, if that is the allegation,

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MR. WRIGHT: (Cont.) of being scrutinized by competent auditors who can understand statements and check sources and so on, and perhaps it is something that should have been done from the start.

In Mr. Justice Porter's Inquiry, as your Lordship will recall, this requirement was made, and I understand that an auditor was appointed and he started moving into Mr. Hawrelak's papers, and Mr. Hawrelak then said, "Well, I will tell you anything you want to know;" and I am sure what my learned friend is saying is that Mr. Hooke will tell us anything we want to know relevant to the matter; but I am not an auditor and my learned friend is not an auditor, nor is any counsel an auditor here. We think, my Lord, that this Commission, and your Lordship-- and yourself in particular, should have the assistance of an independent auditor who can say whether Mr. Hooke made any gain at any periods under inquiry which might be related to the subject matter of the inquiry. Of course we're not concerned whether he makes money or loses money on his own private affairs; but in so far as they come within the scope of this inquiry, whether he actually makes gain is central to the inquiry.

THE COMMISSIONER: Any other counsellors?

MR. MAYNARD: Mr. Commissioner, I have already indicated we are prepared to produce the auditor, together with the auditor's own statements and own information, to answer any question my friend wishes.

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MR. WRIGHT: Mr. Hooke's auditor?

MR. MAYNARD: Oh, well, if we want an independent auditor that's another matter -- I have no objection to that either.

MR. GILL: If I may, my Lord, I would just point out that what Mr. Maynard is proposing is that anything they wish to show us we can examine. Now, that is not, with respect, the function of this inquiry. This inquiry is: did he or did he not make personal gain. If that gain is a private matter, as my learned friend says, we would look at it, privately, and we don't refer to it -- it's not germane to this inquiry; but I think you, sir, are entitled to know what these matters were; not to be shown under a cloak, and the curtain opened by my learned friend, and then closed again. What is behind the curtain and why is he so stringently objecting?

THE COMMISSIONER: Mr. Crawford?

MR. CRAWFORD: My Lord, I support Mr. Gill's applications. I submit that, as disagreeable as it is to everyone present, to have to consider looking into the personal affairs of anyone, that to a large extent in this case it is unavoidable.

I would suggest that the precedent cited of the Porter Inquiry, although it is not binding, I am sure, in any way, is a useful one, and that if we are to have for various purposes judicial inquiries into public persons, and in one case have the audit and in

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MR. CRAWFORD: (Cont.) another case don't, that as inquirers perhaps, my Lord, we wouldn't be fulfilling every obligation that we have, and I have nothing more to say on it, my Lord; I think it is an essential ingredient and has always from the beginning of the case been an essential ingredient in making a complete inquiry.

I submit, sir, that once again, as regrettable as it is, that a public person who is having his affairs inquired into -- in this case under the full authority of the resolution of the entire Legislature -- must accept the fact that the inquiry is going to become an inquiry into every financial transaction.

MR. CLEMENT: May I just add a word, sir?

THE COMMISSIONER: Mr. Clement?

MR. CLEMENT: I am in some doubt about the validity of the comparison with the Porter Inquiry. I am subject to correction on this, but my understanding was that the books of account of Mr. Hawrelak had been seized, and the matter didn't proceed farther than that. Mr. Hawrelak said he would come forward and give testimony on whatever was involved, but beyond that inquiry, as I recall it, related to Mr. Hawrelak and the City of Edmonton and transactions within the City of Edmonton within the period of office. That is a much narrower affair than is now being proposed, which is that we go back to 1943 -- I think was the date mentioned --- and proceed year by year over periods of time in which there has so far been not the

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MR. CLEMENT: (Cont.) slightest suggestion of anything, not even an innuendo, up to the present. Now, this does seem a little extravagant to me, sir.

MR. MAYNARD: Mr. Commissioner, if I might say just one more word: there seems to be two parts to this inquiry: one is that an independent auditor should be called in, and secondly, I don't know quite just how far my friends indicate they want to go. I understood from Mr. Gill that he wanted this independent auditor to cover absolutely everything relating to Mr. Hooke's affairs from 1943 to the present time.

I gather from Mr. Wright that he wanted this independent auditor to look into the matters that are the subject matter of this inquiry.

Now, if that is the extent of the investigation that my friends wish to make: an independent auditor, not Mr. Hooke's auditors, to look into the affairs of the subject matters of this inquiry, the land transactions that have taken place, I have no objection whatsoever; but if we are going to ask an independent auditor to start from 1943 and to look into every possible transaction and every cheque that Mr. Hooke has issued and every dollar that he has received, that is what I am objecting to, Mr. Commissioner.

THE COMMISSIONER: Any other counsel wish to make a submission?

Well, in the course of this inquiry

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THE COMMISSIONER: (Cont.) to date there has been a very searching examination of a wide number of transactions and relationships, and I consider that with respect to those transactions and relationships this inquiry is entitled to examine the financial statements arising out of those transactions which Mr. Maynard has stated that he proposes to make available through auditors, accountants, if necessary. I have sufficient confidence in the accounting profession that if we are furnished with that information which Mr. Maynard has stated will be available, that I don't think that we have to go and get other auditors to audit the auditors as to what they have found. If in the course of this evidence that is to be adduced, it is found that the statements are not sufficiently explanatory in detail, then the matter can be examined as to whether further auditing is necessary.

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THE COMMISSIONER: (Cont.) but, I think and I strongly feel that any Inquiry beyond that constitutes an entirely unwarranted intrusion into this Minister's private affairs and I do not consider that it is incumbent upon me under the terms of reference of my Commission to embark on, what to me would appear to be, an Inquiry into matters which are strictly personal. It seems to me that to do so would be a violation of the very elementary, the most elementary principles of our system of justice. We simply don't indulge under our system of jurisprudence in that type of Inquiry.

I might observe at this point and agree with the observations of the counsel for the Commission that during the course of this Inquiry and there certainly has been a great deal of innuendo, there has never been any suggestion or any innuendo that Mr. Hooke has improperly accepted monies from anyone and there is no indication in the evidence that he has done so and in the face of that I think it would be highly improper for me to permit such an extensive inquiry as has been proposed.

I might say that the matter of Mr. Hooke's earnings, which are a matter of public record are, of course, available because they are public records and can be made available by the Attorney General's Department for whatever purpose they may serve.

Now, are we ready Mr. Clement?

MR. CLEMENT: Sir

THE COMMISSIONER: Mr. Maynard?

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Discussion

MR. MAYNARD: Mr. Commissioner, in the light of this application now I am wondering whether my friends would like the Auditor presented before Mr. Hooke testifies so that they can have all the information presented by the auditors before Mr. Hooke is called to the stand or else whether they would wish to examine the Auditor at some subsequent date. It would appear to me that in the light of this discussion possibly the Auditor should be called first to deal with the transactions...

THE COMMISSIONER: Would you like to indicate your preference Mr. Gill?

MR. GILL: I am going to say Auditors first and I presume he will bring the Income Tax Returns with him Mr. Maynard?

MR. MAYNARD: Yes, he will have the Income Tax Returns relevant to the years and the transactions that we are discussing are involved.

MR. GILL: Your Lordship didn't indicate the matter of the application concerning the expenses.

THE COMMISSIONER: Well, I can add to that, anything a matter of public record so far as the expense accounts and indemnities and so forth, such as are available. I understand from Mr. Friedman a couple of weeks ago that records after a certain number of years have been destroyed.

MR. CLEMENT: Well, those are the individual vouchers I think he was talking about sir.

THE COMMISSIONER: Yes.

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Discussion

MR. CLEMENT: The public accounts as certified by the Provincial Auditor are recorded permanently.

THE COMMISSIONER: They will record expenses and indemnity, I presume?

MR. CLEMENT: Am I right about that?

MR. ELFORD: I believe you are sir.

THE COMMISSIONER: Yes, well, whatever accounts, public accounts are available.

MR. CLEMENT: These public accounts I have had occasion to examine in the course of the past year, are pretty bulky.

THE COMMISSIONER: Well, we can make them available to counsel and let them dig out what they want to. I don't want to go over the public accounts of the Province of Alberta.

MR. CLEMENT: Well, perhaps the Department might, in each do you wish to go back to 1943 Mr. Gill?

MR. GILL: Yes.

THE COMMISSIONER: You can probably make a synoptic of them could you not?

MR. CLEMENT: Might indicate the pages on which the reference to Mr. Hooke appears.

THE COMMISSIONER: Yes, that could be done by the Attorney General's Department or, the Auditing Department, they can make sort of a synoptic indicating where the information can be found and it will be made available to counsel and then they can make whatever use they wish.

MR. CLEMENT: The entire agreement of the legal

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Discussion

J. E. Cook - Clement Ex.

MR. CLEMENT: (Cont.) profession is not an accounting profession and perhaps will find it more difficult than usual.

I call Mr. Cook please.

JOHN ERNEST COOK, sworn, examined by Mr. Clement:

Q Mr. Cook, you were the assessor for the Municipal District of Strathcona?

A I was, yes.

Q From, I understand, from about 1951 onwards?

A From '50.

Q 1950?

A '50 to '66.

Q Yes, and you retired from that position in 1966?

A Yes.

Q Mr. Cook, we are concerned here as you know, with an Inquiry as to whether Mr. Hooke used his office as Cabinet Minister in any, what you might say, improper way for his own advantage or advantage of friends and so the purpose in bringing you here today is to inquire as to whether you have any evidence from your own observation or dealing with Mr. Hooke as to whether there was any favouritism shown to Mr. Hooke in respect of taxation in the Municipal District of Strathcona gained by him through the use of his office or the prestige of his office.

Now you ... Mr. Hooke had property which came on the assessment roll in either ... became assessed in his name in either 1951 or '52, I don't know what your procedures are?

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J. E. Cook - Clement Ex.

A Yes.

Q But in any event, he bought land in the Municipal District after mid-summer of 1951 and from then on I believe has been steadily taxed on his own land which has been assessed taxation since then.

Now, have you had any experience that shows that Mr. Hooke was treated otherwise than were other rate payers in the district?

A I have no such information.

Q None at all?

A No.

Q It was your task to assess the property of all property owners within the municipality?

A That is right.

Q And you assessed Mr. Hooke then along with all the others?

A Yes.

Q And did you assess Mr. Hooke in the same manner as you assessed others?

A Yes, to the best of our ability at all times.

Q Well I understand that, all I am asking you is you didn't treat him any differently than you would any other rate payer, is that correct?

A That is correct.

Q Then the same mill rate, of course, would be applied to his assessment as to every other rate payer in the municipality?

A Yes.

Q There has been evidence given that on one occasion, I think

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J. E. Cook - Clement Ex.

Q (cont.) toward the end of your term of office, sir, that Mr. Hooke complained about your assessment to the Court of Revision, do you recall that occasion?

A That was after I had retired.

Q Oh, that was after your time, so, there is nothing out of the way in your recollection about Mr. Hooke's tax records with the municipality?

A No. In this process of assessment, the assessor prepares a valuation for assessment and then any person is entitled, an owner of property, is entitled to appeal and the original appeal in the County would go to the Court of Revision and if the appellant is then not satisfied it goes from there to an Appeal Board, if he so does. Well, I have never had any direct dealings with Mr. Hooke nor a complaint from Mr. Hooke at anytime but I think perhaps the records would show that the Court of Revision may have had.

Q Yes. Well, we do have information as to one dealing by the Court of Revision but that was after your term of office?

A That is right.

Q You have no recollection of any appeal to the Court of Revision during your term of office?

A I don't think there was an appeal to the Court of Revision by Mr. Hooke in the term that I was there.

Q Thank you, would you answer my friends please?

MR. GILL:

Mr. Wright will go first.

THE COMMISSIONER:

Mr. Wright.

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J. E. Cook - Wright Ex.

MR. WRIGHT EXAMINES THE WITNESS:

Q Oh yes, Mr. Cook, you say that you assessed Mr. Hooke's property the same as you would have assessed anybody else and, how was that?

A Well, I don't know how much detail you would like here.

Q Not the method of assessment but at first, was it assessed as farmland?

A Originally, the quarter section ...

Q Yes?

A ... the southwest of 27 was assessed as farmland. It was so assessed when Mr. Hooke purchased it in my memory and then there was a process of extraction from this whole quarter section as areas were absorbed by the development company.

Q Yes?

A And finally there was a residue left.

Q Yes, and on what basis did you assess that residue?

A Well, it would be difficult for me to say now, except that there was, I think, a final difference of opinion between me and the Court of Revision.

Q Fine?

A In respect to the ... as to whether or not these buildings would qualify as farm buildings.

Q Yes. Now, drawing on your experience as an assessor then and comparing it with what you did in other similar small holdings, small residences, how did you assess, not the Court of Revision, how did you assess those buildings as they remained?

1-P-8

J. E. Cook - Wright Ex.

MR. CLEMENT: Well, what year was this please, I have lost track of this.

Q MR. WRIGHT: This is after the quarter section has been sold off except for the residue?

A I think it boiled down to a final forty acres.

MR. CLEMENT: Was this the original holding or the traded holding?

Q MR. WRIGHT: The original holding?

A The original holding of Section 27?

Q Yes, how did you assess that?

A Well this whole question of what constitutes a farm has been one of the most arguable and argued provisions, I think, perhaps in the Act and I would have to say to you that our general rule was to assess it and then they take whatever action they feel afterwards, so, we did this but, I wouldn't be ready to express too positive an opinion because my experience both with the Court of Revision and with the Appeal Board has been that it would be very difficult to set out a pattern and say this one is assessable, the buildings are assessable as compared to some other ones.

Q Yes, Mr. Cook, I am not asking about what they did, I am asking about what you did. How did you assess the place?

A I don't believe I can give you a flat answer to that. I think at a stage it was farmland and at a stage it was not farmland.

Q Yes. Well, when was the stage that it was not farmland?

A Well, that is the difficult thing for me to say at this

1-P-9

J. E. Cook - Wright Ex.

A (Cont.) particular time.

Q Yes?

A I don't believe that I can ...

Q Yes. Did Mr. Hooke's property continue to be assessed on a farm type of basis by the County or, the Municipal District?

A Not all the time that he was there.

Q Yes, and what else was it assessed at then?

A Well, it would be assessed as subdivision.

Q Yes, and does that necessarily mean it is not a farm then?

A Well, yes, that would mean it wasn't a farm.

Q Yes, I see. Is that the basis on which you assessed it to?

A Oh at that time, I think so.

Q Yes, what was the differences, if any between your initial assessment and the County's final assessment then?

A I don't recollect that there was ultimately a particular difference in this quarter section.

Q Well, how about across the road then when some buildings were moved and a new house was built across the road, was there any discrepancy then between your assessment and how it came out from the County?

A I don't know. At this time I don't know. Originally Mr. Hooke's interest was in an area that was twenty acres or more which is the defined limit of a farm and wasn't subdivided for some little time, that twenty acres was just in one title.

Q Yes?

A And I don't recollect, quite frankly I don't know at this stage just when this was subdivided and brought in as a

1-P-10

J. E. Cook - Wright Ex.

A (Cont.) subdivided area.

Q Yes Mr. Cook, was there not a time though when you were surprised at the assessment given to Mr. Hooke's farm or Mr. Hooke's premises across the road?

A I don't know that I would subscribe to that.

Q Were not the rating that you had given to Mr. Hooke's premises reduced by fifty percent year after year?

A Not in my assessments.

Q Well, was there not a reduction Mr. Cook between what you assessed and what the County or Municipal District ended up assessing year after year in the region of fifty percent?

A Well, my responsibility and positive information ends with the submission to the secretary of the Municipality of an assessed figure.

Q Yes, that is so but, was there not a reduction between what you submitted and what finished?

A I am not prepared to state, sir.

Q I see, but you have been prepared to state so to other people have you not? H-mm?

MR. CLEMENT: The answer was no.

Q MR. WRIGHT: Was the answer no?

A No.

Q That you have not been prepared to state so to other people?

A No.

Q Now, on the matter of the visits you made to the farm or dwelling place on these occasions, what were the buildings, this is, across the road?

1-P-11

J. E. Cook - Wright Ex.

A Pardon?

Q This is the second site of Mr. Hooke's?

A Yes.

Q What were the buildings?

A What were the buildings?

Q Yes?

A Mr. Hooke had moved from the original site practically all the buildings that were on that original site.

THE COMMISSIONER:

Don't you think Mr. Wright ... Just a minute, I am going to interrupt here, don't you think Mr. Wright to have any relevance in this you will have to establish that Mr. Hooke endeavoured to get some preferential treatment and there is nothing to indicate that, I am just wondering ...

2-B-1

J. E. Cook - Wright Ex.

MR. WRIGHT: Yes, well -

THE COMMISSIONER: I wonder if you are getting anywhere unless you can show that Mr. Hooke exerted pressure or directly or indirectly got preferential treatment, what is the relevance?

MR. WRIGHT: I am amazed at this witness' evidence.

THE COMMISSIONER: Probably if you will enlighten me, Mr. Wright, I never could understand why my assessments are like they are.

MR. WRIGHT: Yes, I am just trying to understand this witness' testimony in the light of a statement that was given to me on the -

MR. MAYNARD: Mr. Commissioner, there is always the possibility that the statement that was given to my friend Mr. Wright was wrong.

MR. WRIGHT: - on the 27th of September by this witness himself, that's all.

THE COMMISSIONER: Well, go ahead if you know the relevancy of it, but I don't see it.

Q MR. WRIGHT: Yes. But Mr. Hooke to your knowledge never went to a Court of Revision while you were the assessor?

A Yes, I think that is correct.

Q Yes, I come back then to the point: was there not then a reduction between the rating you gave to this place and the assessment notice that went out in a manner different in Mr. Hooke's case from others?

2-B-2

J. E. Cook - Wright Ex.

A You are asking me a question, if you will permit me to say so, the answer to which I gave you at the time to which you refer; and I am not the person who should, that knows that. If this is so, then it was done, not in the Assessment Department, but someplace else.

Q Yes, fine, we can ask those people about that.

A Yes.

Q But you know what the rates were on each place, you may not know who did it but you know what the rates were each year on each place as the notices indicated which went out, don't you?

A I don't think I do know that, Mr. Wright.

Q You don't, didn't you as an assessor know what the place had been rated at in the previous year?

A Not necessarily, no.

Q But in Mr. Hooke's -

A There is, if there is any change there, there is evidence of it.

Q But in Mr. Hooke's -

A But not my responsibility.

Q In Mr. Hooke's case you knew, didn't you?

A Pardon?

Q In Mr. Hooke's case you knew, didn't you?

A I don't -?

Q In Mr. Hooke's case you knew, didn't you?

A I knew what?

Q You knew that there was a difference between how you had

2-B-3

J. E. Cook - Wright Ex.

Q (Cont.) had rated it and how it had been in fact assessed?
Think carefully.

A I don't know these things in the sense that I am prepared to
say so here.

Q Do you have your notes of your ratings as written down in
these years?

A There will be a record someplace.

Q Where?

A In the office.

Q Of the Municipal District, now County?

A In the Municipal District or County.

Q Fine, and did the premises, were the premises rated on the
highest assessment basis, do you know?

A Well, I, I wouldn't know a positive answer to that, but I
think they were rated on an equitable basis, this is what we
try to do.

Q Yes, but were they rated as ordinary urban dwellings?

A I didn't get that, sir.

Q Were they rated as ordinary dwellings, that is urban dwellings,
where there is no element of farming?

A In the original assessment there was only one residence.

Q Yes?

A When these buildings were moved across the road originally
on to a twenty acre plot, or something over twenty acres,
they were converted to other uses.

Q Yes?

A And I think still are converted to other uses.

2-B-4

J. E. Cook - Wright Ex.

Q Yes, my question was: were they assessed as dwellings in the ordinary way that -

A After they were used as dwellings, yes.

Q And there was no element of their being used for farming in the assessment?

A I find it difficult here to just exactly differentiate, after they got over there the buildings were not, they were assessed, they were not considered as farm buildings after they were over on to 22, Section 22, that is in their present position.

Q They were not considered as farm buildings?

A No.

Q It was not rated as a farm?

A No.

Q Was it rated as a house in the same manner as houses in Sherwood Park?

A Yes, they were rated as housing at an assessed value, they were reconverted buildings.

Q Yes, and was the assessment on precisely the same basis as any other house in Sherwood Park; that boils it down, perhaps?

A Well, I wouldn't say precisely but generally on the same basis, yes.

Q Yes, and they were so rated by you?

A Yes.

Q And they were so assessed in the assessment notice?

A As far as my knowledge goes they were.

Q I see, but perhaps they were not?

2-B-5

J. E. Cook - Wright Ex.

MR. CLEMENT: Well now, for goodness sake!

MR. WRIGHT: Yes.

THE COMMISSIONER: That is an innuendo, Mr. Wright, that is entirely objectionable. He didn't say anything to that effect at all. That is not right.

Q MR. WRIGHT: You are telling us you don't have a personal knowledge of how the actual assessment compared to your -

A That is what I am telling you.

Q Compared to your rating?

A That's right.

Q Do you have even knowledge from next years books, that is to say?

A Could have had.

Q You can't remember now, that is what you are telling us?

A I am not prepared now to -

Q Has your memory impaired itself between the 27th of September this year and now?

A No, I don't think, I don't believe that it is that different between our discussion on the 27th.

Q I see, fine.

A I told you quite frankly then that this was not my field, and -

Q Have you discussed this evidence with anyone since then?

A No.

Q And, well, finally then, just tell us what these dwellings were, how they were divided up on the parcel across the

2-B-6

J. E. Cook - Wright Ex.

Q (Cont.) road?

A Well, this property now is in two, two lots or blocks, approximately six acres.

Q Each?

A No, in two of them, I think one is roughly two and a half acres or 2.6, something like that.

Q Yes?

A And the other one is a little over three.

Q Yes?

A And Mr. Hooke's own residence and to the best of my recollection a garage and perhaps another small building -

Q Yes?

A - not used as a residence are all on the one lot.

Q Yes?

A I think that is Lot 27. On Lot 23 which is immediately south of that and adjoining, the other buildings are set out, which are converted from other uses in their original position, and they are now converted and were being used, for a time at least, I think still are, as residences of a type.

Q Yes, how many?

A I think originally there were four on that particular lot.

Q Used as residences?

A And this is the one point that I said "not precisely" because this is the position, this is an illegal position.

Q Yes, was there any permit that you were aware of for more than one dwelling on that acreage?

2-B-7

J. E. Cook - Wright Ex.

A No, I don't think anybody could get a permit.

Q Yes, nonetheless there were at first four, and then how many, do you know?

A Pardon?

Q Did it continue to be four, so far as you know?

A I think perhaps one of these is not now used as a residence.

Q Yes?

A I don't, I don't know that that is sure, but I think it is.

Q Yes?

A I think perhaps there may be only two there now in the one sense that there is an upstairs and a downstairs -

Q Yes?

A - to it and -

Q And in your assessment the fact that it was a building that had been divided in effect into four apartments figured, did it?

A Oh, yes.

Q And is that the way it was assessed, do you know?

A Pardon?

Q Is that the way it was finally assessed, do you know?

A I think so.

Q Yes. Was there, were these premises ever used as a farm while you assessed them while Mr. Hooke was there?

A Used?

Q Yes, was there any livestock -

A Well, this again is where you get, well, in my opinion, no.

Q There was no livestock there?

2-B-8

J. E. Cook - Wright Ex.

A Yes, there was livestock there.

Q What?

A Mr. Ball who, who adjoined this and was perhaps an associate of Mr. Hooke's in this deal, did have livestock and they used it.

Q No, I am talking about the six acres?

A Oh, the six acres, not after it was six acres.

Q Yes, I am talking about after Mr. Hooke had moved there?

A No.

Q There was no -

A Well, he moved there when it was twenty acres.

Q Yes?

A And then it was later subdivided and the plan was registered.

Q Yes, was there any change in the assessment between those two positions?

A Oh, yes.

Q There was, but after it had been reduced to six acres there were no, there was no livestock on those six acres?

A No.

Q And no farming operation that you could see?

A No.

Q I am not talking about -

A The area itself would preclude the, you see to be a farm in any sense at all it would have to have at least twenty acres in one area.

Q Yes, thank you.

THE COMMISSIONER: Mr. Craig? I was given the wrong name.

2-B-9

J. E. Cook - Gill Ex.

THE COMMISSIONER: (Cont.) Have you any questions to ask?

MR. CRAIG: I have no questions, sir.

THE COMMISSIONER: Mr. Crawford?

MR. CRAWFORD: No questions, Mr. Commissioner.

THE COMMISSIONER: Mr. Gill?

MR. GILL EXAMINES THE WITNESS:

Q Thank you. Mr. Cook, you have been assessing or you were assessing for the M. D. of Strathcona from 1950 on?

A Yes.

Q And you retired in 1966?

A Yes.

Q Do you do any assessing now?

A No.

Q And when, in the period 1950 to 1966 did you do assessments for other Municipal Districts?

A Yes, I did.

Q And you live where, in Edmonton?

A In Edmonton.

Q And you did live, when you were doing this assessment?

A Yes.

Q I see. Well, your profession was that of an assessor?

A That's right.

Q And do you recall speaking to Mr. Wright on about the 27th of September 1967 when he telephoned you?

A Very well.

Q I see. Do you recall saying to Mr. Wright "Mr. Hooke never paid his taxes as assessed."?

2-B-10

J. E. Cook - Gill Ex.

A No, I don't recall.

Q You didn't say that. Did you say the words that quite illegally as far as you were concerned the Council reduced Mr. Hooke's taxes by fifty percent year after year?

A No, I did not.

Q Did you say words to that effect?

A No, I don't believe I would, I could say that I said words to that effect.

Q Well, what did you say about the Council of Strathcona reducing Mr. Hooke's taxes?

A I suggested that they should be questioned about it.

Q I see, you thought that the Council had reduced Mr. Hooke's taxes?

A I said the records would show.

Q I see. You then have examined these records?

A Not particularly so after the decisions were made.

Q But your evidence would be that the records of the County of Strathcona would show that Mr. Hooke's taxes were reduced?

MR. MAYNARD: Oh, now, he didn't say that Mr. Commissioner.

MR. GILL: No, he said "The records would show."

A Well, the records would show whether or not it was true.

MR. CLEMENT: He said an examination of the records would disclose whether any such suggestion -

A That's right.

Q MR. GILL: Did you mention the figure fifty percent as being the reduction?

2-B-11

J. E. Cook - Gill Ex.

A I don't think so, Mr. -

Q I see, that figure is not one used by you?

A No.

Q I see, but there was a reduction in the taxes, is that your evidence?

MR. CLEMENT: That is not his evidence.

A That is not my evidence.

MR. CLEMENT: He has been making it clear for an hour, sir.

A I am saying if there was a reduction that it was after the records had left my office.

Q MR. GILL: I see, but you say these records exist in the County?

A They must.

Q I see, and did you use the word "illegally" to Mr. Wright?

A I think perhaps I only used the word "illegally" to Mr. Wright in respect to the buildings on the one parcel, the number of buildings on one parcel.

Q That is the large barn which was moved over into a parcel and made into four apartments?

A Several buildings.

Q And you say that position was illegal?

A Yes.

Q I see, and is still illegal?

A It is still illegal.

Q Well, how do you account for it continuing, sir?

A It is not uncommon, that it has continued in other places

2-B-12

J. E. Cook - Gill Ex.

A (Cont.) in the County too, the Act so states that there shall not be more than one residence on one property. I don't think the Act provides a penalty and I don't know what is done about it. I know there are other places in Strathcona that are in the same position.

Q Did you not tell Mr. Wright on September 27th that Mr. Hooke paid only fifty percent of the taxes that he should have paid?

A I am sure I didn't because I don't know that to be so.

Q Do you believe that to be so?

MR. CLEMENT: Well, again, sir, away we go! This to me is carrying the thing just beyond that point that Your Lordship made reference to yesterday.

THE COMMISSIONER: I want to know what he knows and what he has observed.

Q MR. GILL: You say you didn't mention to Mr. Wright that Mr. Hooke only paid fifty percent of what he should?

A Well, my recollection says I did not.

Q I see, and do you know whether there were any informal meetings between members of the Council of Strathcona and Mr. Hooke about reducing his taxes?

A I was never at a meeting.

Q I didn't ask you that, I said do you know of some informal meetings?

A No, I don't know of them, I never was at any informal meetings, but I would suggest to you as I suggested to Mr. Wright, that there was a great deal of contact between Mr.

2-B-13

J. E. Cook - Gill Ex.

A (Cont.) Hooke and the County set up over this period.

Q Did this result in reduced taxes for Mr. Hooke?

A I didn't so state and I don't now.

Q Has anyone threatened you, Mr. Cook, about your evidence here?

A None.

Q Has anyone discussed it with you?

A Nobody.

Q Have you discussed it with Mr. Hawkins?

A No.

Q Have you discussed it with Mr. Parker?

A No.

THE COMMISSIONER: He said he discussed it with no one, Mr. Gill; surely to goodness we don't have to run the gamut of the whole County of Strathcona?

MR. GILL: We are in the old situation of a witness not living up to his proof, Mr. Commissioner.

MR. CLEMENT: We are in the situation, sir, of counsel having phoned somebody up at some time long ago and taking an interpretation of what was said over a telephone call and trying to make the witness out a liar when he is under oath here, now, that is what we are facing.

MR. GILL: You have said it, Mr. Clement, I haven't. Now then, if I may continue, Mr. Clement?

MR. CLEMENT: You will continue, sir, but you will be also subject to any objections I may think it proper to make.

Q MR. GILL: Quite so.

2-B-14

J. E. Cook - Gill Ex.

Q (Cont.) Mr. Cook, did you also say to Mr. Wright the reason the assessment was reduced year after year was that Mr. Hooke had his place taxed as if it was a farm?

A I didn't get that, the implication there, Mr. -

Q Did you once tell Mr. Wright the reason the assessment on Mr. Hooke's property was reduced year after year was because it was taxed as a farm?

A I don't, I don't feel a bit responsible at this place for a conversation between myself and Mr. Wright at anytime, because in, as a result of this conversation or as a termination of this conversation I told Mr. Wright very positively that I had no complete knowledge that would make me a valuable witness at this concern.

Q Have you discussed the matter of Mr. Hooke's taxation with Mr. Adamson, the one time Reeve of the M. D. of Strathcona?

A Not since this -

Q No no, no, some years ago?

A Oh, I discussed Mr. Hooke's taxatinn with all the councilors at different times and with the whole Council at different times.

Q Because you were concerned about it?

A I am concerned about any assessment.

Q And why were you particularly concerned about Mr. Hooke's?

THE COMMISSIONER: He didn't say he was particularly concerned about, just a minute now, he did not say he was particularly concerned about Mr. Hooke's.

Q MR. GILL: All right. Why were you concerned about

2-B-15

J. E. Cook - Gill Ex.
- Maynard Ex.

Q (Cont.) Mr. Hooke's?

A I wasn't particularly concerned about Mr. Hooke's.

Q I see, but you did discuss it with all members of the Council?

A I would suggest that this is probably so.

Q Do you do this for every ratepayer in the M. D. of Strathcona?

A No, I wouldn't say every ratepayer, but many of them because ratepayers very often do go through these channels.

Q Very simply, Mr. Cook, do you feel that Mr. Hooke was paying his proper taxation as assessed by you, "Yes" or "No", sir?

A Well, put it that way, I have to say no; I have no reason today to come here and say "Yes" to that.

Q And why do you say "No"?

A Because I don't know that he was not.

Q I see, but you still feel he wasn't paying his proper taxation?

A I don't think my feeling has anything to do with it.

Q I see, you were only the assessor?

A That's right.

Q And he was the Minister of Municipal Affairs?

A Incidentally.

MR. CLEMENT: Sir, there again we are off -

MR. GILL: That is no innuendo, Mr. Clement.

MR. CLEMENT: It certainly is.

MR. GILL: That is a fact.

THE COMMISSIONER: Any other counsel? Mr. Maynard?

MR. MAYNARD EXAMINES THE WITNESS:

Q I just wish to explore one question, this question, Mr.

2-B-16

J. E. Cook - Maynard Ex.

Q (Cont.) Commissioner, of the illegality of two buildings on the one lot.

Mr. Cook, I show you what has been filed in this Inquiry as Exhibit number 343, which is a map of the south, of Campbelltown Heights.

A Yes.

Q And this map indicates two areas or plots or blocks known as Lots N and M. Do you recall this map?

A Yes.

Q And at one point that we are talking about Lot N belonged to Mr. Hooke?

A Right.

Q And later this Lot N was subdivided into various plots, as well as Lot M?

A Right.

Q Now, on Mr. Hooke's, Mr. Hooke built a new home on the area that is marked in red and adjoining the Wye Road on this map?

A Right.

Q Now, I am getting to this, Mr. Cook: at the time these buildings were moved from Mr. Hooke's original property in Campbelltown or now Sherwood Park to the southern part of the, the south of the road in Campbelltown Heights, were they moved on what was then known as Lot N?

A Correct.

Q And the two buildings that you referred to were moved in an area that was rather close together, the two buildings were

2-B-17

J. E. Cook - Maynard Ex.

Q (Cont.) close together in a given area?

A Yes, they were in this block.

Q And this block was subsequently subdivided into two lots, acre lots, each of three acres?

A Well, approximately.

Q Approximately?

A Yes.

Q And on one of the subdivided lots there was Mr. Hooke's main residence building together with a garage and a small building you referred to; and then on the other lot there was these two buildings that were moved over, is that correct?

A I think that was the position after the subdivision.

Q Yes, and one of the buildings that was moved over was a three car garage with some suites above, do you remember that?

A Yes.

Q And the other was a small dairy barn with living quarters above for a man that was handling the -

A That's right.

Q And after this small lot or this acre was subdivided into this manner do you know if any request was ever made to Mr. Hooke to move one of these buildings off this three acre plot?

A I don't know that there ever was.

Q Fine, thank you, Mr. Cook.

THE COMMISSIONER: Mr. Clement?

MR. CLEMENT: No sir.

THE COMMISSIONER: You are excused, Mr. Cook, thank you.

2-B-18

MR. CLEMENT: Now, sir, I am sorry.

MR. GILL: I was just going to point out that I believe the witness started at nine forty-six and ended at ten twenty-five and has not been on a full hour, so that just for Mr. Clement's sense of accuracy, I didn't examine him for an hour.

MR. MAYNARD: It felt like an hour.

MR. CLEMENT: Mr. Maynard speaks for us all. I was going to say, sir, that despite the brevity of Mr. Gill's cross-examination there still appears to be an inference or so that should be cleared up. I think perhaps I will have to ask Mr. Hawkins to come back. I don't know whether he has got his records here.

2-M-1

Arrangements re Hawkins' records.

MR. WRIGHT: Perhaps we can wait until we have a look at the records; otherwise he will simply repeat his evidence yesterday.

MR. CLEMENT: Well, that's true -- he was-- he gave positive testimony, sir, yesterday ----.

THE COMMISSIONER: Has he got the records?

MR. CLEMENT: -- and I think that perhaps Mr. Wright's suggestion is a useful one.

THE COMMISSIONER: Well, perhaps you can look at them during the adjournment, then.

MR. CLEMENT: I don't know -- you haven't got them here, have you?

MR. HAWKINS: No.

MR. CLEMENT: The only thing I can suggest, sir, is that perhaps he might be asked to produce them Tuesday morning, at an early hour, the relevant records.

MR. WRIGHT: Well, I don't mind going around at eight-thirty on Monday and having a look at them.

MR. CLEMENT: Tuesday?

MR. WRIGHT: So we won't lose the -- .

MR. CLEMENT: You mean on Monday?

MR. WRIGHT: On Monday, yes, at the Municipal District --- County office.

MR. HAWKINS: I would rather produce them to the inquiry.

MR. CLEMENT: Very well, you produce them here on Tuesday.

2-M-2

Arrangements re Hawkins' records.

MR. GILL: I might mention, sir, the ones that I am particularly -- particularly would want to see, would be Mr. Cook's notes of assessment, the actual assessment that he put in, then the final assessment notice, and finally the final tax notice.

MR. HAWKINS: We wouldn't have those records --- all over the place -- we would have our tax roll and assessment roll sheets, to show any changes on it --- .

MR. CLEMENT: Mr. Hawkins --. Excuse me, sir ---.

THE COMMISSIONER: Go ahead.

MR. CLEMENT: This is informal -- .

THE COMMISSIONER: Go ahead.

MR. CLEMENT: Informal conversation, but it is obviously not useful to put Mr. Hawkins in the box without asking these questions.

THE COMMISSIONER: That's all right. We can just decide how we are going to proceed.

MR. CLEMENT: Mr. Hawkins, you have a file or assessment role for each taxpayer, and these can be segregated out?

THE COMMISSIONER: Yes.

MR. CLEMENT: Then if you can produce the ones, I would say, from --- counsel will correct me if I am wrong-- from about 1955 onwards, here, and we will examine them together at, say, eight-thirty -- .

MR. HAWKINS: Tuesday morning.

MR. CLEMENT: -- Tuesday morning. Is that

2-M-3

Arrangements re Hawkins' records.

MR. CLEMENT: (Cont.) agreeable?

MR. GILL: I think so, Mr. Clement. It is my recollection it was '55 before the first subdivisions came about.

MR. CLEMENT: Yes, that's correct -- well, it was '55 before any plans were registered.

MR. GILL: The memorable date in August when Mr. Hooke signed the plan.

MR. CLEMENT: Well, I am sure we all remember.

MR. MAYNARD: Well now, I'm sorry -- my recollection indicates that before the plan of 1955 was signed there was already a subdivision plan registered in Campbelltown Heights. Now, I have no objection to starting in 1955, but I wouldn't want Mr. Gill to come back later and say, "Well, I haven't got the records relating to the previous subdivision."

MR. CLEMENT: Oh, yes -- .

MR. MAYNARD: And I think that we should go back to the date of the original subdivision of Campbelltown Heights, which was registered before anything was done in the area of Sherwood Park itself.

MR. CLEMENT: It was 1953, sir. My recollection of the testimony given by Mr. Dant in relation to the plan he prepared show that the earliest one we have a record of is 1953. Is that satisfactory?

MR. MAYNARD: Oh, I'm satisfied; it is Mr. Gill that is questioning it.

2-M-4

Arrangements re Hawkins' records.
J. H. Campbell - Gill Ex.

MR. CLEMENT: Thank you very much.

THE COMMISSIONER: Very well. Whom have we next?

MR. CLEMENT: Well, sir, I see Mr. Campbell is waiting impatiently over there. Perhaps we might carry on with him.

There is one further witness, sir, and if I might have Mr. Campbell be recalled and commence cross-examination, I would ask to be excused for just a moment while the cross-examination goes on in order to try to get in touch with Mr. Menzies. You recall Mr. Maynard wanted to ask a few questions in cross-examination.

Mr. Campbell?

JOHN HOOK CAMPBELL, recalled, on his former oath, examined by
Mr. Gill:

MR. CLEMENT: Then, sir, if counsel might proceed with cross-examination -- .

THE COMMISSIONER: Who was examining Mr. Campbell when we adjourned?

MR. CLEMENT: I have only put in evidence-in-chief, sir.

THE COMMISSIONER: Well, Mr. Gill, I guess you lead off.

MR. CLEMENT: And concluded with filing some financial statements.

THE COMMISSIONER: Mr. Clement, I think Mr. Hawkins is looking -- .

MR. CLEMENT: Well, if you'll excuse me, sir.

THE COMMISSIONER: Yes.

2-M-5

J. H. Campbell - Gill Ex.

MR. CLEMENT: I don't want you to wait.

THE COMMISSIONER: Right.

MR. CLEMENT: -- or anything like that.

Q MR. GILL: You were a shareholder, Mr. Campbell,
in All-West Distributors?

A Yes.

Q For what period of time?

A Quite a long time. I can't give you the dates, Mr. Gill,
but it would be quite a while, to my recollection.

Q Exhibit 377, Mr. Commissioner, shows J. H. Campbell,
manager, and Arthur Arnold, building superintendent, as
the directors in the annual return of 1951; and then on
June 18th, 1951, Mr. Arnold apparently sold his 9,000 shares
to Ralph S. Erickson. Is that correct, Mr. Campbell?

A I believe so.

Q Who is Ralph S. Erickson?

A He -- at that time he was a financier, a builder of
property -- different holdings within the City.

Q And then later he sold to Elizabeth Campbell? In 1954,
the only other annual return we have, shows that you and
Elizabeth Campbell were the shareholders, with Elizabeth
Campbell one share, and you with 17,999 shares.

A If that's what that says, it must be so.

Q I see, but you have no recollection?

A No, I really haven't.

Q What happened to All-West Distributors?

A It gradually faded out of existence.

2-M-6

J. H. Campbell - Gill Ex.

Q Well, what was it formed for?

A It formed -- it was formed for the purpose of the beginning of handling agencies.

Q I see, such as -- ?

A Well, agencies for practically any line that could be obtained.

Q Well, that covers a pretty wide spectrum.

A Yes, it did cover a wide field.

Q Cars, lumber, feed, horses -- ?

A Cars, tires, principally.

Q And the business wasn't a success?

A Not too much so.

Q Do you know a Lou Wener of Calgary?

A Casually.

Q I see, in what connection?

A Only as having met him -- no other connections, just having met him casually.

Q Well, didn't you try to make arrangements with Mr. Wener to sell the Buena Vista land to him for a nursing home if you got it exchanged with the City of Edmonton for the property on 127th Street?

A There was conversation, I do believe, regarding that, but I never actually tried to sell it to him.

Q Oh. Well, who did? Mr. Hooke?

A I couldn't tell you, sir.

Q I see. Well, who dealt with him? Mr. Hooke rather than you?

A I can't answer that, I don't know.

2-M-7

J. H. Campbell - Gill Ex.

Q Were you at meetings between Mr. Wener and Mr. Hooke?

A No.

Q Do you know Mr. Wener's occupation at all?

A No, all I know is I think he is, has an interest one way or the other -- whether he works for them or has an interest, I don't know --- Precast Concrete.

Q Precast Concrete?

A Yes, at that time, that's all I know.

Q Have you heard of him in connection with Conforce Concrete?

A No, I don't know anything about that.

Q Have you heard of him in connection with owning a number of nursing homes in the Province of Alberta?

A No, I don't.

Q You didn't know that -- .

A No.

Q -- when you were trying to make the Buena Vista exchange?

A No, I still don't know.

Q That is news to you today?

A Yes.

Q Have you discussed this case with Mr. Hooke since it started?

A I have talked to him about twice, yes, asking me if I had any recollection of certain papers, which I had no recollection of.

Q Your memory hasn't improved since the last time you were here?

A No, I'm afraid it hasn't.

Q I see, and did you discuss with Mr. Hooke, with the help of a transcript or not?

2-M-8

J. H. Campbell - Gill Ex.

A No.

Q But you have met him a couple of times since the hearing started?

A I have talked to him on the phone.

Q I see, and have you read some of the transcripts that are being -- that are beginning to obscure the view between the Commissioner and counsel?

A I think I read part of one, but I haven't read "transcripts".

Q As I understood your evidence the other day, you saw Mr. Hamilton on this particular weekend at Mr. Hamilton's request; is that so?

A This is --- this is true -- I believe my wife says that's what it was.

Q No, no, but what do you say?

A I know I was at Mr. Hamilton's house, at whose request I don't know, but I didn't call Mr. Hamilton requesting to see him. I know that.

Q Do you remember what year it would be?

A I believe it would be '63 -- I'm not positive.

Q Mr. Hamilton at page 361 of the evidence says it was well after the New Year and probably in the month of February or perhaps March. Would that be correct?

A Of what year?

Q Of 1963.

A According to what I could find out upon asking questions of other parties, it was '63, but I don't know.

Q Before the annexation hearings before the Local Authorities

2-M-9

J. H. Campbell - Gill Ex.

Q (Cont.) Board?

A This I don't even know when that came up.

Q Mr. Hamilton at page 3585 says:

"I checked my diary for 1962 and '63, and thus was able to say exactly when the document was delivered to me."

That is the document, the ten-page document Mrs. Wilson delivered to Mr. Hamilton, November 8th, 1962. He goes on:

"I did not write down the dates on which I was contacted by Mr. John Campbell."

Now, when Mr. Hamilton says under oath before this Commission that he was contacted by Mr. John Campbell, is Mr. Geoffrey Hamilton lying?

A You place it very awkwardly, but to my recollection I did not contact Mr. Hamilton until Mr. Hamilton had tried to contact me through other people, and I was requested to call him.

Q I see. So now you are requested to call him, are you?

A Mr. Hamilton wished me to call him. I have a silent number and I am not very easy to get hold of.

Q Who told you that Mr. Hamilton was wanting to get in touch with you?

A Mr. Hooke called me and gave me the message.

Q I see. Mr. Hooke, of course, has your silent number?

A So does Mr. Maynard. So do a lot of other people.

Q And on page 3586 Mr. Hamilton in his evidence here on the 9th of November said in answer to Mr. Clement:

2-M-10

J. H. Campbell - Gill Ex.

Q (Cont.) "Well, then, as closely as your memory permits,
when was the first of these occasions ----."

This is when Mr. Hamilton says he was contacted by you.

His answer:

"I believe a few weeks after I had received the
document on November 8th, 1962. I had at least
one phone call from Mr. Campbell, who pleaded
Mr. Hooke's position and the position of Ideal
Homes."

Now, is Mr. Hamilton's evidence correct on that point?

Would you plead the position of Mr. Hooke?

A I don't think I have ever pleaded any position with any
party at any time.

Q You just want something and you ask for it?

A If I want something I generally bring it right straight out
into the front, but I don't plead.

Q You are tenacious?

A Scotch.

Q Well, you have sympathy in this courtroom anyway. That
doesn't necessarily mean tenacious. You could ask the
Campbell's or the Macdonald's about that.

A This is true.

Q But you don't give up easily?

A I don't ever give up.

Q And you haven't done yet, have you?

A No, and I certainly have no intentions of giving up.

Q So you would keep asking Mr. Hamilton to do something about

2-M-11

J. H. Campbell - Gill Ex.

Q (Cont.) Ideal Homes?

A No, I would not.

Q What did you do with Mr. Hamilton?

A I only have talked with Mr. Hamilton three or four times in the course of my acquaintance with him, on the phone.

Q So on page 3586 when Mr. Hamilton says his recollection is:

"Perhaps two or three weeks following I had at least one phone call from Mr. Campbell who was obviously aware of the document and its contents, and who urged me to find some way of acceding to either of the two alternatives in that document some time after the New Year."

Did you do that, Mr. Campbell?

A I didn't know that there was a document that Mrs. Wilson had given to him, Mr. Hamilton.

Q Had you ever seen a copy of the document Mr. Hooke gave to Mrs. Wilson?

A Not to my recollection, no.

Q I see. You didn't know about it? Is that your evidence?

A I said, not to my knowledge do I recollect ever having seen a document that Mrs. Wilson gave to Mr. Hamilton.

Q Well, let's deal with the question: did you know about the existence of this document, the history of Ideal Homes?

A I know the history fairly well, of Ideal Homes -- not entirely.

Q Did you know of the existence of a ten-page document prepared in November of 1962 by Mr. Hooke?

2-M-12

J. H. Campbell - Gill Ex.

A I don't know of it. It may be that I have seen it, but I don't recollect of it, Mr. Gill.

Q I see. Well, Mr. Hamilton at page 3586 says, when he is asked by Mr. Clement:

"Q Well, what was the nature of the urging?"
This was the urging of the Scottish Mr. Campbell.

" Just asking you to get with it?

A Just at that point he certainly felt a settlement was due to his group."

Is that what -- ?

A Oh, I have always felt that there was a settlement due to the group.

Q Mr. Hamilton goes on:

"He reminded me in this matter that it had gone on for a long, long time, and unfairly in his view."

Would that be what you urged on Mr. Hamilton?

A I never urged anything on Mr. Hamilton at any time.

Q Well, what would you tell him?

A Tell him what? Mr. Hamilton asked to see me and I went over to his house, and he says that's when he first met me.

I met Mr. Hamilton on the plane going to Fort McMurray for the Fort McMurray Land Development Company, and my recollection is that on a visit over at Mr. Hamilton's house he showed me the layout plan of the Fort McMurray -- intended plan, and we discussed that at quite length.

Q When was that, Mr. Campbell?

A I was at Mr. Hamilton's house twice to my recollection, and

2-M-13

J. H. Campbell - Gill Ex.

A (Cont.) that is, I do believe, the first time.

Q That wasn't the weekend, the Sunday visit you paid to him?

A I couldn't tell you.

Q You did visit him on a Sunday, though?

A My wife drove me over both times and remained in the car.

Q You don't drive a motor car?

A Oh, yes, I drive.

Q Well, Mr. Hamilton says on page 3586:

"There was some time in the late winter or early spring, a weekend, when Mr. Campbell came to my house, and in a rather indirect way but in a way that I couldn't mistake, did tie these two matters together, that is, the annexation matter and the method in which the City was going to handle the request contained in that document."

MR. MAYNARD: Page?

MR. GILL: Page 3587.

A I don't remember ever discussing the annexation problem with anybody. It was of no interest to me.

Q Mr. Hamilton, then carefully examined by Mr. Clement at page 3587, was asked:

"Would you tell Mr. Commissioner as closely as you can remember what it was that was said that left you with this impression?"

He said:

"I think that the sentence went something like this:

'If you don't handle or deal with this matter

2-M-14

J. H. Campbell - Gill Ex.

Q (Cont.) satisfactorily, you can forget all about your annexation.?"

Did you say those words?

A I don't think I ever said anything like that to anybody in my life.

Q Could you have done, Mr. Campbell?

A No, I don't think so.

Q That is an impossibility, is it?

A I don't think that I ever threatened ---- which I would consider that to be in the form of a threat -- I don't think I ever said anything like that to anybody.

Q But you did go to Mr. Hamilton's house?

A My recollection of going to Mr. Hamilton's house was at his request both times.

Q And you did discuss the Ideal Homes' claim against the City of Edmonton on both occasions?

A No, not -- I don't think so. I think on the one occasion it dealt completely with the Land Development Company of Fort McMurray, and the plan.

Q And on the other occasion?

A We discussed Ideal Homes.

Q And you wanted some settlement?

A I would say that I would like have had the matter cleared up, that's about all.

Q And you went on behalf of yourself and of Mr. Hooke?

A I don't think I went on behalf of Mr. Hooke.

Q I see. What was your interest in the matter in early 1963?

2-M-15

J. H. Campbell - Gill Ex.

A Well, there was still a lot of money being owed and outstanding, and I would like to have got rid of the property or a settlement, or whatever you like, and cleared the air.

Q How much money was owing and outstanding, and to whom?

A At that time I believe it was to the banks and to --- I think we borrowed enough money to pay off all the other debts, but the money was owing at the bank.

Q By yourself or by Ideal Homes?

A I had backed the note.

Q But your property on 127th Street was up for taxes by this time? You hadn't paid taxes on it, had you?

A I don't recollect the date, but it was up for taxes at one time, yes.

Q And didn't you give Mr. Hamilton the impression that you were a spokesman for Mr. Hooke?

A No.

Q I see, and if Mr. Hamilton at page 3598 says, in answer to the question:

"Q What did you believe the relationship between Mr. Campbell and Mr. Hooke --- ?"

He says,

"A I believe they had been partners in at least one business venture, Ideal Homes; that they were probably business associates on other commercial ventures and transactions."

Now, let's examine that. You were in fact a partner with

2-M-16

J. H. Campbell - Gill Ex.

Q (Cont.) Mr. Hooke in the business venture of Ideal Homes?

A Yes.

Q And you were a business associate of his in Sherwood Park?

A No I was -- say that again. I didn't quite get the import of that.

Q What would you describe your relationship with Mr. Hooke as in connection with Sherwood Park?

A Well, I was the promoter and developer of the Campbelltown and Sherwood Park -- whichever you like to call it -- but not as any business associate of Mr. Hooke.

Q He just supplied the land?

A Well, so did a lot of other people.

Q And what about Whitecroft?

A I was never in any business venture with him in Whitecroft.

Q You just bought his land?

A I didn't buy his land.

Q I see. What about Beaver Land Company? Did you have anything to do with that, and Mr. Hooke?

A I had something to do with Beaver Land Company in a minor way, but not Mr. Hooke and Beaver Land Company.

Q In fact, you were a business associate of Mr. Hooke on many occasions over many years?

A I wouldn't say that, no.

2-P-1

J. H. Campbell - Gill Ex.

Q Well, when Mr. Hamilton says in answer to a question 'You felt Mr. Campbell was a spokesman for Mr. Hooke?' he says 'I felt they were in close communication with each other.' That is correct, isn't it?

A We were certainly ...

MR. MAYNARD: Mr. Commissioner ...

A ... both worried about Ideal Homes.

MR. MAYNARD: ... I think Mr. Gill should be fair to the witness and relate that this conversation that took place with Mr. Hamilton was in connection with Ideal Homes.

Q MR. GILL: The question was Mr. Campbell, Mr. Hamilton was asked and, this deals with your visit to Mr. Hamilton in discussing Ideal Homes with him 'You felt Mr. Campbell was a spokesman for Mr. Hooke?' Mr. Hamilton's answer was 'I felt they were in close communication with each other.' and is it not a fact you were in close communication with A. J. Hooke?

A I don't know how you define the word communication.

Q Well, your unlisted telephone is a pretty good start?

A Not necessarily, I have had an unlisted phone for thirty years.

Q And Mr. Hooke phones you up and asks you to do certain little tasks?

A Nobody does.

Q Oh, I thought you told us earlier Mr. Hooke asked you to see Mr. Hamilton?

A That is right, but he doesn't use my phone or silent phone

2-P-2

J. H. Campbell - Gill Ex.

A (cont.) as you call it to do, for me to do certain little tasks.

Q I see, well, he did ask you to get in touch with Mr. Hamilton, that is your evidence?

A He relayed a message as I understood it that Mr. Hamilton was desirous of seeing me.

Q Did Mr. Hooke ever ask you to do anything else for him?

A I imagine he has.

Q He has been doing it for about twenty-four years, hasn't he, since 1950 when you started in Ideal Homes?

A No he has not.

Q Well, for how long and for how many times? Do you even remember?

A Very seldom. Only on occasions that it was connected with the business.

Q Did Mr. Hooke ever talk to you about a meeting with Mr. Leger in the South Bend Motel?

A I don't know anything about it.

Q And do you know if Mr. Hamilton complained about Mr. Hooke to the Premier? Did Mr. Hooke ever discuss that with you?

A I don't know anything of his private affairs.

Q Mr. Hooke never mentioned to you that Mr. Hamilton complained to the Premier about it?

A I don't know anything about it.

Q What would be Mr. Hooke's investment in Ideal Homes in the spring of 1963?

A Oh brother I couldn't tell you, only by whatever the records

2-P-3

J. H. Campbell - Gill Ex.

A (Cont.) say, I haven't the faintest idea.

Q It owed him a lot of money, did it?

A Well, what year and what time, I know Mr. Hooke loaned the company a lot of money to pay a lot of miscellaneous debts off but what year and what time, I don't know.

Q Didn't Mr. Hooke ever discuss with you the matter of Ideal Homes owing him money?

A Yes, he had mentioned it but mostly what he discussed was what we were going to do with the company and the property.

Q Because if you didn't make a satisfactory deal with the City of Edmonton neither he or you got any money, is that correct?

A I don't think I expected any money, I don't think there was any money coming to me. I think it was to clear off the debts and wind the company up is all I was interested in.

Q You would have got nothing if the City of Edmonton had paid Ideal Homes \$140,000.00?

A This I couldn't tell you unless the Chartered Accountants and that worked it out. I couldn't tell you. I don't believe so.

Q You don't think you would have received any?

A By the time of taxation and the debts and everything I doubt if there would be very much left.

Q At this time you were approaching Mr. Hamilton on behalf of Ideal Homes, did Mr. Hooke mention to you that he was on the brink of bankruptcy?

A I don't know, I don't know anything about that.

2-P-4

J. H. Campbell - Gill Ex.

Q You didn't talk to him about his money matters?

A Only the money I owed him.

Q And how much was that?

A The figure thirty thousand, I think, sticks in my mind but, I am not positive and I wouldn't swear to anything unless it was sorted out.

Q Did Ideal Homes owe you about the same amount?

A No.

Q Why was that?

A Because I didn't borrow any money to pay the debts.

Q I see. Did you know that Mr. Hooke and Mr. Hamilton were meeting occasionally concerning Ideal Homes?

A No I didn't know that.

Q Mr. Hooke didn't let you know that he was having discussions with Mr. Hamilton?

A He told me he had discussions with the Commissioners but as to him meeting Mr. Hamilton, I didn't take it for granted, the Commissioners, there are three I understand.

Q I see. Do you have the ledgers that ^{you} brought at one time for Ideal Homes Mr. Campbell? The cash receipts ledger?

A I think I left them in here, I don't know where they are now.

MR. MAYNARD: Mr. Commissioner, I am sorry, we had these cash books and cash records here for a period of five or six weeks and as I indicated earlier I brought them back to my office early this week. I have some cash records here that were produced but the cash books themselves are in my office.

2-P-5

J. H. Campbell - Gill Ex.

MR. MAYNARD: (Cont.) I am sorry, if Mr. Gill requires them I can have them brought over very shortly but I was, I think it was Mr. Clement who said he wasn't interested in all these.

Q MR. GILL: Do you know Mr. Campbell whether or not Ernest C. Manning was a customer of Ideal Homes in 1954?

A I believe there was lumber sold to Mr. Manning.

Q On some fourteen occasions?

A I couldn't tell you Mr. Gill.

Q I see, and there is an entry on page CR 12, Social Credit Campaign Fund and monies to the Social Credit League, do you know anything about that?

A No I don't.

Q Your company would donate to the Social Credit League?

A I have donated myself personally, I don't know if the company did.

Q Who is a K. Daniels, do you remember money being forwarded to him on behalf of A. J. Hooke in 1955?

A I am not positive Mr. Gill but I think there was a transaction of land, purchase or sale or something with Mr. Hooke and a K. Daniels but, I am not positive.

Q Is it fair to say that Ideal Homes sale of houses was mainly to Civil Servants of the Government of Alberta?

A Not to my recollection, from the time I entered the company I do not believe that we sold any houses to Civil Servants.

Q Can you guess at how many houses Ideal Homes actually built and sold?

2-P-6

J. H. Campbell - Gill Ex.

A I couldn't say, I really truthfully couldn't say, I don't know what they did before I came in.

Q Well can we agree on this that your memory is not what it might have been some years ago?

MR. CLEMENT: In the sense that it was closer to the events it would be easier to remember. Thank you Mr. Gill.

Q MR. GILL: Having attempted to bail him out, let's have him answer?

A People have different qualifications and different people have trained themselves to remember things in my line of work.

Q And you have trained yourself to forget, is that right sir?

A You are placing those words, you said it, I didn't.

Q No, I am wondering if that is what your training is?

A No, the line of work of development, every deal is actually different, you never apply one to the other and you close the book on one the minute it is finished.

MR. MAYNARD: Mr. Commissioner, we have produced to this Inquiry the balance sheets of Ideal Homes, the balance sheets for the years 1950, 1951 and 1952 give a list of some of the transactions that have taken place, the addresses of the properties that were sold by Ideal Homes and amounts involved and so on.

MR. GILL: The names of the purchasers?

MR. MAYNARD: No the names are not, the names can be found probably in the additional records that I have in the office and I will be pleased to produce them to Mr. Gill.

2-P-7

J. H. Campbell - Gill Ex.

MR. GILL: Thank you Mr. Maynard.

Q MR. GILL: So you tend Mr. Campbell to close an event once it is done in your business of promoting?

A Yes. There is not one that applies to the other so why try and confuse yourself with it.

Q And the same would apply in connection with Mr. Hamilton's recollection in 1963, barely four years ago and, your recollection in 1963, you would close that when that phase was ended, would you?

A In a sense, yes, but not entirely, if it was something that concerned me that I should remember, I told you I didn't remember too much about it, meeting Mr. Hamilton except on two occasions and I do know that one of them was specifically regarding the Fort McMurray Land Development Company.

Q MR. GILL: So really you met with Mr. Hamilton in his home concerning Ideal Homes only on one occasion?

A To my recollection, yes.

Q And I think you would have to be fair and frank and admit that Mr. Hamilton's memory is probably better than yours?

A I wouldn't say. I don't know the capabilities of Mr. Hamilton's memory.

Q But you admit that your capabilities, the capabilities of your memory are not what might normally be expected?

A No, I have seen many witnesses on the stand and they all refuse to commit themselves and say they remembered definitely things that had passed.

Q And you don't remember definitely in 1963?

2-P-8

J. H. Campbell - Gill Ex.
- Crawford Ex.

A Not any more than Mr. Hamilton.

Q I see. Thank you.

THE COMMISSIONER: Have you any questions? Mr.
Crawford?

MR. CRAWFORD EXAMINES THE WITNESS:

Q Mr. Campbell, did Mr. Hooke use his contacts in Government in order to line up for Ideal Homes house building contracts with Government members and Civil Servants?

A Not that I have any knowledge of. I don't recollect of any houses being built in my time with Ideal Homes for any Civil Servants.

Q How were people normally approached then to ask if they would like a home built for them by Ideal Homes?

A Well, you are approaching the basis of practically custom building there. We didn't custom build that I know of. The houses were put on the open market the same as any other builder. That is about the only thing I know Mr. Crawford.

Q So any approach to the person who was to buy would be after you had a lot and a house going and you were interested in selling?

A To my recollection that is right.

Q And at that point when you were looking for prospects to buy did Mr. Hooke assist you in making contacts within the Provincial Government?

A Not me, definitely not.

Q Who approached the people who bought homes from Ideal Homes then, was it done by advertising?

2-P-9

J. H. Campbell - Crawford Ex.

A I think there was a real estate firm handled some of it, which one I don't venture to say.

Q Was some done by advertising in the ordinary way?

A We had signs out on the houses when we were building them, building these houses for sale.

Q Is your evidence that when people approached Ideal Homes to buy one of the houses that had been built for sale, that the usual manner of selling was as a result of advertising or the efforts of a real estate agent?

A I believe so.

Q Is that true then when Mr. N. E. Tanner obtained a house from Ideal Homes?

A I didn't know that he had.

Q Is it true that Mr. James Warr, the Registrar of Companies obtained a home from Ideal Homes?

A I think that was before my time Mr. Crawford.

Q Do you have any ... is it your positive oath then today that Mr. Hooke did not use his contacts within the Province to put you on to prospects for houses? Can you swear to that?

A Phrase that again, would you?

Q Is it your positive oath today that Mr. Hooke did not use his acquaintanceships or contacts within the Provincial Government to put you on to prospects for buyers of homes from Ideal Homes?

A I don't recollect him ever having been connected with the sale of any of the houses of Ideal Homes at anytime. I didn't handle that end of it at all.

2-P-10

J. H. Campbell - Crawford Ex.

Q Who did?

A As a matter of fact, it was after I joined Ideal Homes, I think there were only four houses, four to five houses built and sold, to my recollection of it, at that time and they were not to any purchasers that I knew or had contacted at all and I don't think any of them were Civil Servants.

We were buying lumber from one chap named Ritter and he knew that we were building houses and he bought one and I think he sent us two or three and I think one of the plumbers that did work in the houses, he bought one of the houses but, I think there was only five houses built in my time.

I am not positive but it certainly wasn't very many in my time.

Q Did Mr. Hooke put you on to contacts at the University?

A Not to my recollection, no.

Q Your memory of Mr. Ritter interests me Mr. Campbell because it appeared on the same list of notes I made from the records of Ideal Homes as the name of Dr. Hardy, Mr. Buckley, Mr. N. E. Tanner, Mr. James Warr?

A I don't know anything about Tanner. I didn't know that we had any dealings with Tanner and the Warr house was before my time and Ritter was because, he was selling the odd load of lumber to Ideal Homes.

Q I am not interested in him Mr. Campbell. Now, you didn't have anything to do with the selling of the houses, you say?

A I don't recollect ever having treated a sale or being connected with it, no.

2-P-11

J. H. Campbell - Crawford Ex.

Q Besides the real estate agent whose name you can't remember, who at Ideal Homes dealt with sales?

A Well I think I told you that they had a sign out in front of the property.

Q I know, but who was responsible for sales? Every company who wants to sell anything has somebody responsible for sales?

A I can't even tell you the name of the lawyer who did it.

Q Did you have a lawyer doing sales for you? Come on Mr. Campbell?

A I am coming Mr. Crawford; I do not know.

Q Who were the officers of Ideal Homes when you first went in, there was yourself, the two Mr. Hookes, is that right and, Mr. Spady?

A Spady.

Q Now, didn't Mr. Spady or one of the Mr. Hookes or you look after the sale of your product?

A Yes, I was trying to get lumber contracts and sell lumber.

Q All right, who was to sell homes? The only product the company has ...

A Possibly Mr. Hooke and possibly Mr. Spady, I am not too positive.

Q Possibly Mr. Spady. Don't you know what Mr. Spady did there?

A I never did find out.

Q I gather he didn't do very much?

A I didn't say that.

2-P-12

J. H. Campbell - Crawford Ex.

Q Well, is it your evidence that Mr. Spady didn't do very much?

A Well I was outside most of the time, I guess he took care of the books.

Q Who took care of the sales?

A You are coming back to that?

Q Yes, I am coming back to that?

A I can't tell you sir, I know I didn't sell them.

Q Well, you did buy a house from Ideal Homes?

A Pardon?

Q You did buy a house from Ideal Homes?

A No.

Q Did you not?

A No I didn't.

Q Oh, then I admit I may have misread the record, I say that sincerely Mr. Campbell. Job number 32, the Campbell house at 8718 79th Avenue wasn't yours?

A I built it myself, yes.

Q Why was it listed among the records of Ideal Homes?

A It was placed there partly as security.

Q Pardon?

A It was placed there partly as security of shares.

Q It was built by Ideal Homes?

A No, by myself a long time before that.

Q I see, and it is still listed as Job number 32 even though it wasn't job number anything as far as I noticed?

A Well I sure built the house myself, I built a half a dozen in that area, roughly.

2-P-13

J. H. Campbell - Crawford Ex.

Q Well Mr. Campbell, I am not going to pursue you on this but I find it surprising and if you can find anything else at all on it to enlighten me I will be very pleased but it is surprising that the sole product of your building company, Ideal Homes, is the selling of homes and your evidence under oath this morning is that to the best of your knowledge nobody was responsible for selling them?

A I didn't say nobody, I said I didn't know who.

Q And there were only four directors.

MR. CLEMENT: I think we should be fair ...

A Again Mr. Crawford, I was busy ...

MR. CLEMENT: ... he also said a real estate agent.

A ... trying to sell lumber.

MR. CLEMENT: There is a paper from a real estate agent in the record already.

MR. CRAWFORD: Well I said I won't pursue this.

Q MR. CRAWFORD: In any event Mr. Campbell did Ideal Homes own among its equipment some lowboy trucks?

A Not to my knowledge, I don't recollect any lowboy trucks.

Q Did they have the use of them when they needed them by leasing them?

A I don't recollect anything in regard to lowboy trucks. Trucks, yes, but not lowboy.

Q Well then, just to confirm that, as far as that particular type of truck is concerned, the lowboy, you remember nothing of Ideal Homes ever having owned or leased one?

A Truthfully no, I have no knowledge of a lowboy.

2-P-14

J. H. Campbell - Crawford Ex.

Q All right then, about other trucks, there were others you say, of course?

A One, possibly two.

Q Did Ideal Homes trucks do hauling for the Department of Public Works?

A Not to my knowledge, I don't think so.

Q Do you know?

A No I couldn't swear to it that they did or didn't but I do not believe that they did at any time.

I don't think we had any connection with the trucks, we had sufficient work there handling lumber and moving lumber. These trucks were not ... they were not heavy duty trucks, they were fairly light and they wouldn't be in the rental class at all.

Q Who would know at Ideal Homes, since you don't, whether or not the trucks of Ideal Homes ever did any hauling for the Department of Public Works?

A I don't know, possibly Mr. Hooke might know. I don't know. I am quite sure I don't recollect of anything at Public Works.

Q Those are all my questions, thank you.

THE COMMISSIONER: Thank you Mr. Crawford. Mr. Wright?

MR. WRIGHT: Might this be a convenient time?

THE COMMISSIONER: Oh, yes, at this point we will adjourn.

(The Hearing stood adjourned at

11:15 A.M. and resumed at 11:30 A.M.)

3-B-1

J. H. Campbell - Wright Ex.

THE COMMISSIONER: Mr. Wright?

MR. WRIGHT EXAMINES THE WITNESS:

Q Yes. Mr. Campbell, with regard to the Steak Loft Building which before that was the Social Credit Building on Jasper Avenue, did you confer with Mr. Hooke about that?

A I believe Mr. Hooke was in, in a group of people with, when that was discussed, but as to conferring outside of that with him, no.

Q Yes, and how did you come to approach Dr. Allard's company about that?

A Orvis Kennedy and I were talking and he mentioned an offer which I knew that they were trying to get, an offer of somebody taking over the property, building a building and leasing or renting or somewhat, something like that, of the building; and I told him I thought I could get him a lot better offer than the one he had.

Q I see, and what made you think that, did you have Dr. Allard in mind when you made that remark?

A Yes, I did.

Q And what made you think that?

A Well, because it appeared to me that, it just appeared to me personally that the offer was not good enough, and I thought that there would be a possibility of getting a better offer.

Q Yes, and had there been any discussion with Mr. Hooke at this point about that?

A No.

Q Yes, did you discuss the building and the terms of the

3-B-2

J. H. Campbell - Wright Ex.

Q (Cont.) proposed deal with Dr. Allard with Mr. Hooke?

A No, I told Dr. Allard what the offer was that we had received, and he came up with his own offer, and I had very little to do with it in any way after that.

Q Yes, thank you, and what was the date of that?

A I couldn't tell you. Oh, let me see, I did check that date, Mr. Kennedy, I believe that was in November of '58 I believe.

Q Yes?

A It was at one of the Social Credit Conventions, I believe, at that time.

Q Yes, and the building was built early in the following year, was it?

A I think they started the following year, yes.

Q And what were the two rival deals?

A How do you mean?

Q Well, what was the deal that Dr. Allard did better than?

A He gave them a longer term of lease.

Q I see, in consideration for turning over the lot?

A That's right.

Q I don't want to dwell unduly on this, but can you just give us a rough idea of the figures?

A Of the figures of what, the value of the property or what he gave?

Q No, of what was proposed by the group from Calgary, was that the Belzberg group by any chance?

A I don't recollect what group it was, but it was a group from Calgary, I don't know which one or anything.

3-B-3

J. H. Campbell - Wright Ex.

Q As compared to the arrangement that actually went into effect?

A Well, I do believe they gained ten to fifteen years longer lease.

Q Yes, for the same product?

A For the same product, yes.

Q And was it always part of the transaction that the Treasury Branch would have, do the Treasury Branch have any premises on the site?

A No.

Q Thank you. Did Mr. Hooke have any dealings with All West Distributors Limited?

A Years later there was, in Ideal Homes, there was a proposal to go into some other product that one of the, I believe it was Mr. Briscoe was going to produce, and it was thought advisable to change over to Ideal Homes to All West Distributors.

Q What was the product?

A But it never materialized. Light weight aggregate, on a special form of light weight aggregate.

Q For use where?

A For use anyplace for shipping concrete ready-mix, dry concrete out.

Q Yes, were there some possible contracts in mind at the time this was proposed?

A There was talk, I believe there had been a sample of it sent over to the University and also to the Federal Government

3-B-4

J. H. Campbell - Wright Ex.

A (Cont.) on their developments up North, which they were very agreeable to the product, to having the product.

Q Yes, was there any idea of using it for road construction?

A Not to my knowledge Mr. Wright, I don't believe so.

Q In Alberta or British Columbia?

A No, I don't think so, I think it was mainly developed for shipment to the far North on account of the weight.

Q Yes, and what was Mr. Hooke's part in that?

A I am not positive but I do believe that this man Briscoe had already made those contacts and sent his samples up there before approaching Ideal Homes.

Q And he approached Mr. Hooke as being a partner in Ideal Homes, or a Director?

A I don't know who he actually approached, he didn't approach me.

Q When was this?

A Well, the best I can answer that, Mr. Wright, is that it was at the time, I believe, when the first negotiations were going on with the City when we moved from the rented property and acquired this other property on 127th and 132nd Avenue, it was right at that time.

Q Ideal Homes were still carrying on business at that time?

A We were endeavouring to but being rapidly closed out.

Q I see, and was Mr. Spady active at that time?

A Yes.

Q He was active, could it have been Mr. Spady Mr. Briscoe approached?

3-B-5

J. H. Campbell - Wright Ex.

A I couldn't tell you, sir.

Q Now, Mr. Hooke's continued interest in Ideal Homes I gather was because of the money that it owed him, is this it?

A Yes, I would say, I would say that would be more or less the result of his remaining as a Director.

Q And did you tell us, I notice the effect of this, that the figure thirty thousand dollars is fixed in your mind?

A I won't say that that was all the money he put in or anything else, but I do recollect something about, I think he borrowed thirty thousand or got, advanced thirty thousand to the company, I believe I am right.

Q At any rate it is in your mind that if the Ideal Homes thing could have been settled Mr. Hooke would be in a good way to recouping his loss or would recoup his loss?

A Yes, I think so.

Q If it had been, I am sorry -?

A If it had been settled I think he could have recouped his loss.

Q Yes, if it had been settled along the lines that you were proposing, that is?

A Along the lines that were being proposed, yes.

Q Yes, and that loss you have in mind as being in the neighbourhood of thirty thousand dollars?

A That is one of the figures, I don't know whether that is the total figure, but that figure does definitely stay in my mind.

Q Yes, and were there other debts of Ideal Homes Limited in

3-B-6

J. H. Campbell - Wright Ex.

Q (Cont.) 1962, '3 and in there other than debts to shareholders or part shareholders?

MR. CLEMENT: I observe, sir, that the 1962 financial statement prepared by -

MR. WRIGHT: I see.

MR. CLEMENT: - Winspear Hamilton is on record.

MR. WRIGHT: Very well, My Lord, and is it in evidence?

MR. CLEMENT: Yes, I put it in evidence yesterday.

MR. WRIGHT: Yes, I would like to see it.

MR. CLEMENT: You will recall it was a draft statement.

Q MR. WRIGHT: Yes. Yes, looking at Exhibit 423 then you see that, that the deficit at the 30th of April 1962 was \$36,124.49?

A M'hm.

Q Would you just say "Yes"?

A Yes.

Q And that the current liabilities at that date totalled \$46,476.83?

A M'hm, yes.

Q In addition to deferred liabilities payable to Mr. Hooke of \$6,880.79?

A Yes.

Q So that presumably if the hundred thousand dollar or one hundred and forty thousand dollars settlement was achieved, after discharge of the liabilities the balance would be the property of the shareholders, would you say that?

3-B-7

J. H. Campbell - Wright Ex.

A That would be the usual procedure, I believe.

Q Yes, yes, and who were the shareholders for the purposes of such a calculation at that time, in '62?

A Mr. Hooke I think remained as a Director with a debt from Ideal Homes to him in a certain amount; the active shareholders would be Spady, Chris Hooke and John Campbell.

Q And Chris Hooke is a brother?

A Yes.

Q And Mr. Spady is a brother-in-law?

A That's right, of Mr. Hooke.

Q Yes. I should say just not to give a misleading impression, My Lord, from my last questions to this witness, that the deficit of thirty-six thousand dollars is from the, from the profit and loss account and it is brought into the, into the balance sheet and is not to be added to the two sums of forty-six thousand approximately and six thousand approximately that I have earlier mentioned.

Were there any discussions as to where the money, the money realized from any settlement would go to those shareholders of record only or whether Mr. Hooke would receive some further recompense?

A I don't think that outside of the debt that the company owed Mr. Hooke, I don't think there was any discussion whatsoever at all on the balance.

Q I see.

A Not to my recollection, Mr. Wright.

Q I see, but the debt that was owed by the company to Mr. Hooke

3-B-8

J. H. Campbell - Wright Ex.

Q (Cont.) you have in mind as figuring at about thirty thousand dollars at this time, do you?

A This is a figure that stays in my mind, but the auditors would be the ones that would take care of the settlement and the amount of the debts and everything, it would be transferred over to them, anything that was received, and disbursed by them.

Q Yes, because Mr. Hooke's name does appear on the balance sheet in Exhibit 423 that I have been referring to?

A Yes.

Q But only in connection with a deferred liability of sixty-eight hundred dollars odd?

MR. CLEMENT: Mr. Commissioner, Mr. Maynard is producing the auditors and I would think perhaps we might save time by getting the exact information from them when they appear on Tuesday.

Q MR. WRIGHT: Yes, fine. So would we be, is it your memory that the rest of the sum would be taken up with a guaranteed bank loan here?

A I -

Q Do you have any memory of that?

A I wouldn't want to say, I know that we had a bank loan but I do believe Mr. Hooke paid monies out in addition to that. Now, as to the exact amount I don't know.

Q Now, how did you come to settle on this method of approach to the City and possible method of settling the dispute?

A I didn't quite follow you, Mr. Wright, would you please state

3-B-9

J. H. Campbell - Wright Ex.

A (Cont.) it again?

Q Yes, could the Reporter read that question back, please?

THE REPORTER: (By reading)

"Now, how did you come to settle on this method of approach to the City and possible method of settling the dispute?"

A I really didn't understand it.

Q MR. WRIGHT: I will rephrase it then: were there conferences about that?

A With the shareholders of Ideal Homes you mean?

Q Yes?

A Yes, quite -

Q And with Mr. Hooke?

A Yes.

Q And where did these take place?

A In Ideal Homes' office.

Q Did Ideal Homes have an office in '62-63?

A I am not positive whether it was burned down before that or not.

Q When was the last time that you remember them having an actual office?

A Well, that is quite a while back, that is quite a while back since we had any meetings.

Q Yes, no, I am not talking about company meetings, I am talking about conferences to settle this matter?

A The Minute book would be the only thing I could refer to, I couldn't refer to anything else.

3-M-1

J. H. Campbell - Wright Ex.

Q Were there minutes of this period, then?

A I'm not positive. I know there was meetings, discussing the different sites as proposed by the City.

Q Yes. Well, tell me where these meetings took place?

A Some of them were at the barrister's office, and some of them, up to the point of when they --- when the office was burned down, up to that point they were held out there.

Q Yes. Well, after that?

A There was very few meetings at any time after, because practically we had become out of existence, except for this one matter with the City.

Q Yes, but the method of settling had changed from time to time, did it not?

A Oh, yes.

Q And I am talking about the approach to the City in '62 and '63, when there was a money settlement in mind, with zoning as an alternative -- .

A To the best of my knowledge they were at the barrister's office.

Q And then, after that, a proposal for a swap?

A They were all held after the building was burned down, at the barrister's office, to my recollection.

Q Yes; when was the building burned down?

A We would have to go to the record of seeing when the settlement was made, that's the only thing I could do.

Q But was Mr. Hooke present at all these meetings?

A No, I don't believe he was.

3-M-2

J. H. Campbell - Wright Ex.

Q But at most of them?

A Most of them, yes.

Q And so were you?

A I believe I was, Mr. Wright.

Q Yes, and you --- did you not see Mr. Hooke, apart from those meetings, from time to time?

A On various occasions, yes.

Q With reference to this matter?

A With reference to that matter and Ideal Homes' affairs.

Q Yes. This was the single most important thing in Ideal Homes' affairs at this time, however?

A That and the bank loan, yes.

Q Yes, and you talked to him on the telephone quite often?

A Occasionally, yes.

Q What do you mean by "occasionally"?

A Oh, there would be weeks at a time go by that I would never be conversing with Mr. Hooke.

Q But at least several times a year?

A I would say that would be correct.

Q Yes, and at some times when there was a critical turn of events -- a submission -- it would be much more frequent than that, would it not?

A No, it would be very few times during the year.

Q Yes. For example, at the beginning of '63, when you went to see Mr. Hamilton, how many times in there, in the couple of months preceding that, had you spoken to Mr. Hooke?

A Well, not very often, Mr. Wright, not very often.

3-M-3

J. H. Campbell - Wright Ex.

Q Yes. Well, how often is "not very often"?

A It wouldn't be over three or four or half a dozen at the most, during the course of a year.

Q During the course of which year?

A Of any year.

Q The fact that it might have been at a critical phase of the negotiations didn't increase the number of meetings, Mr. Campbell?

A No, no, I don't recollect of it ever increasing the meetings, no.

Q But my actual question was: in the couple of months before this meeting with Mr. Hamilton, which evidently was in the early part of 1963, how many times had you seen Mr. Hooke?

A Not very often. I was very much interested at that time in this Fort McMurray Land Development, which was primarily taking all my time, and anything connected with the Ideal Homes, it --- I didn't have any faith of it ever being settled anyway.

Q Nonetheless, you had been yourself to see Mr. Hamilton before that, hadn't you?

A I had only seen Mr. Hamilton twice, yes.

Q You had only seen him twice before this meeting? Is this the second or the third meeting?

MR. MAYNARD: Now, Mr. Commissioner, my friend is asking: "You had seen Mr. Hamilton twice before this meeting." The witness has already said several times that he had seen Mr. Hamilton only twice. Now, I think we should

3-M-4

J. H. Campbell - Wright Ex.

MR. MAYNARD: (Cont.) clarify it.

MR. WRIGHT: Fine.

MR. MAYNARD: It should be clarified.

MR. WRIGHT: That's exactly what I was trying to do. This is -- . You saw him twice only, that you can remember.

A Yes.

Q And the meeting at -- .

A Twice at his house.

Q You saw him twice at his house?

A Yes.

Q Yes. Well, I was talking about any contacts. You told us in the plane --- but at City Hall, had you been to see him there?

A No.

Q Had you been to see Mr. Menzies there?

A Not to my recollection, no.

Q Who chiefly, then, was negotiating with the City, apart from more formal contacts that were made with -- that Mr. Morrow told us about? Who was it? Was it you or was it Mr. Hooke?

A Mr. Hooke was more interested to get his money back, and I imagine that Mr. Hooke made most of the contacts.

Q Yes. Now, why then couldn't he have dealt sufficiently with Mr. Hamilton at the time that Mr. Hooke told you to go and see Mr. Hamilton?

MR. MAYNARD:

Now, Mr. Commissioner, that is not

3-M-5

J. H. Campbell - Wright Ex.

MR. MAYNARD: (Cont.) the evidence that this witness has given.

MR. WRIGHT: All right, all right, then -- he didn't tell you to see Mr. Hamilton, he phoned up and said that Mr. Hamilton said that he, Mr. Hamilton, wanted to see you. That's what -- ?

A That's the way I remember it, Mr. Wright.

Q All right. Well, how was it, then, that this -- that it switched to you at this point, you going to -- ?

A I never did understand that.

Q You didn't understand that?

A No.

Q Was there anything you think that you could have told Mr. Hamilton when you went to see him that Mr. Hooke hadn't already -- wasn't in a position to tell Mr. Hamilton?

A Nothing that I can recollect of at all.

Q Yes. Mr. Hooke, did he think it was a good idea to see Mr. Hamilton at that time?

A I don't remember him mentioning -- he just mentioned that Mr. Hamilton would like to meet me and converse with me.

Q Yes, and it was obviously with reference to the Ideal Homes matter?

A On the one occasion it was, yes.

Q No, I'm talking about the time that Mr. Hooke told you that Mr. -- .

A I couldn't say as to which occasion it was, Mr. Wright, no.

Q Which?

A I couldn't say as to which occasion was which. I couldn't

3-M-6

J. H. Campbell - Wright Ex.

A (Cont.) say at which meeting was in reference at the time that Mr. Hooke's call was made to me.

Q Well, whichever meeting it was, it was -- it was in the context of Ideal Homes Ltd. and its dispute with the City?

MR. MAYNARD: Mr. Commissioner, the witness has already indicated that when he went to see Mr. Hamilton at Mr. Hamilton's request, it was in connection with the Fort McMurray transaction.

THE COMMISSIONER: Yes, I believe -- my recollection of his evidence is that he had two meetings with Mr. Hamilton, and at one of those meetings the discussion concerned Fort McMurray, and that the other one, it related to Ideal Homes. That is my understanding of the evidence.

Q MR. WRIGHT: And where did the first meeting take place?

A With Mr. Hamilton?

Q Yes.

A Both of them were at his place.

Q I see, and the first one was entirely to do with Fort McMurray?

A One of them was. I think it was the first one, yes.

Q And the second one was to do with Ideal Homes -- or the other one was to do with Ideal Homes?

A There was one of those to do quite a bit with Ideal Homes, but also the McMurray thing was brought into it.

Q Are you telling us then that you can't remember which meeting it was that was preceded by Mr. Hooke's phone call?

3-M-7

J. H. Campbell - Wright Ex.

A I believe it was the last one.

Q And that was the one which you think was with reference to Ideal Homes?

A Yes.

Q Yes; so, was there not a discussion between you and Mr. Hooke about that time with reference to Ideal Homes?

A Possibly.

Q But certainly throughout this period the members of Ideal Homes -- and I use that word loosely so that I can include Mr. Hooke -- were -- knew what was being sought from the City by way of settlement, did they not?

A Oh, I knew that there was a request for a permanent site for Ideal Homes to be settled on, to be zoned or whatever was necessary for it. This I knew, but we didn't seem to be getting anywhere on it.

Q My learned friend Mr. Clement asked you what happened at that meeting with Mr. Hamilton, and you gave a very short answer. Can you recall anything in detail?

MR. MAYNARD: Well, Mr. Commissioner, if he is going to --- if my friend is going to refer to the transcript I think he should read the information or the answer that was given by Mr. Campbell at the time.

MR. WRIGHT: Well, I should say that I don't know which -- .Well, I don't know why I am obliged to read what he said last time back to him, my Lord. It was very short, but what passed?

A Just a very short discussion as to locations for Ideal Homes

3-M-8

J. H. Campbell - Wright Ex.

A (Cont.) --- at one of the meetings.

Q And who said what? What -- what did Mr. Hamilton say and what did you actually say?

A I can't tell you what I said.

Q You can't tell us?

A No, not as to the details of it; that would be an impossibility.

Q When was the 127th Street/^{property}up for taxes, for tax sale, that is?

A A matter of three or four years ago.

Q Was it before or after this meeting with Mr. Hamilton in 1963?

A I believe it was after.

Q Yes, but at this time taxes were seriously in arrears?

A Definitely.

Q And a tax sale would be taking place unless the taxes were paid within the near future?

A Yes.

Q And this is the beginning of 1963 we are talking about?

A I don't know what year it was in.

Q On your trip to Fort McMurray when you were with Mr. Hamilton and spoke to him, did you speak about Ideal Homes then?

A Not to my knowledge.

Q I see. Was he part of that company, by the way?

A Fort McMurray Land Development?

Q Yes.

3-M-9

J. H. Campbell - Wright Ex.
- Maynard Ex.

A Yes, he held shares in it.

Q Were you?

A I haven't got any shares, no; I wasn't any part of it.

Q What was your interest, then, in going up there?

A They asked me to go.

Q Who did?

A The owners of -- or promoters or developers or whoever they were -- of Fort McMurray Land Development.

Q Yes. Were there any discussions with Mr. Hooke with reference to that?

A Not that I recollect of.

Q Between you and him?

A Not that I ever recollect of. I don't see why there should be.

Q Well, I'm not concerned with that. I'm just asking: were there?

A Not that I recollect of, Mr. Wright. I would say no.

Q At that time were you still on the friendly relations with Mr. Hooke that existed at the time of Sherwood Park?

A I have always been on speaking terms with Mr. Hooke at all times.

Q Thank you.

THE COMMISSIONER: Mr. Maynard?

MR. MAYNARD EXAMINES WITNESS:

Q Mr. Campbell, after your association with Mr. Hooke commenced, and sometime later, did you or one of your companies become a sort of land agent for Dr. Allard?

3-M-10

J. H. Campbell - Maynard Ex.

A One of my companies -- one of my personal companies, or --?

Q One of your personal companies.

A Yes, one of my personal companies did the selling of the land for Dr. Allard.

Q And in all these transactions you were acting as agent for Dr. Allard --- I'm sorry, that's wrong.

A I -- .

Q You -- .

A I can answer it, if you want.

Q That's fine.

A I have always -- I have my own real estate company and my wife has a real estate company, and at one time I held shares in her company as well, and we sold whatever --- like all real estate companies -- we sold land for anybody and everybody, as much of it as we could get hold of.

Q You were in a general real estate business, selling for anybody that offered you land for sale?

A This is right.

Q And buying land for anybody that wanted to use your services to buy land?

A Yes.

Q And Dr. Allard happened to be one of them?

A Yes.

Q In connection with Ideal Homes, in the early years, do you remember the occasion when Mr. Royer, Andy Royer and his son were interested in acquiring Ideal Homes?

A Yes, I remember the boy Danny, yes.

3-M-11

J. H. Campbell - Maynard Ex.

Q And this was supposed to be a sale of the assets of Ideal Homes that eventually fell through?

A Yes, Ideal Homes was never turned over, nor the assets of it, no.

Q No. Now, in connection with All-West Distributors, was there ever any discussion of Ideal Homes being sold to All-West Distributors?

A I can't answer that, because I can't recollect as to whether -- how it was to be handled -- whether All-West was to be set up as a separate identity and have nothing to do with Ideal Homes, or whether it was to take over Ideal Homes; that I'm not positive of at all, sir.

Q But in any event, Major Briscoe, who was interested in All-West Distributors, subsequently died and that was the end of any negotiations -- .

A Yes.

Q -- involving any transaction between the two companies.

A That's right.

Q Now, Mr. Wright has referred to the financial statement for Ideal Homes dated April 30th, 1962. I do not know the exhibit number -- you have it before you there -- and this statement shows -- .

A 423.

MR. GILL: 423.

Q MR. MAYNARD: 423. This statement shows an amount owing to Mr. Hooke in the sum of \$6,880.00.

A Yes.

3-M-12

J. H. Campbell - Maynard Ex.

- Q You mentioned earlier in your evidence that the figure was \$30,000.00 -- sticks in your mind as being the amount that is owing by the company to Mr. Hooke.
- A I say that because I know we owed various people accounts in the amount of something around thirty thousand or some odd, and I know that Mr. Hooke -- I think he borrowed money, but anyway, he got the money to pay these accounts off.
- Q So any monies that were advanced by Mr. Hooke to pay off these accounts would be in addition to this \$6,000.00?
- A Oh, yes.
- Q Now, Mr. Campbell, do you know if any formal meeting of the company was ever held for the purpose of recognizing the company's indebtedness to Mr. Hooke for the monies advanced by Mr. Hooke to pay these accounts?
- A If it's not in the minutes I couldn't tell you.
- Q You have no knowledge?
- A No, none whatsoever.
- Q You referred earlier to a letter that you wrote to Mr. Wilgus -- this was some time past, in connection with a proposal for the development of Ideal Homes. I'm showing you cut-up sections of the Edmonton Journal for February the 9th, 1951. Mr. Commissioner, these could be all put together to indicate that it was the Edmonton Journal for this date. I'm only interested in two of the sections from the front page.

MR. CLEMENT:

For what purpose, sir? To prove the truth of these assertions in the Edmonton Journal?

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J. H. Campbell - Maynard Ex.

MR. MAYNARD: No, not to prove the assertions in the Edmonton Journal. I wish to call the attention of the witness to a headline that appeared in the Edmonton Journal on this occasion, and to ask the witness if he remembers the story that appeared in the Edmonton Journal on this occasion -- not to prove anything.

THE COMMISSIONER: That's all right, you can go on. We can discuss the matter of admissibility after.

Q MR. MAYNARD: Mr. Campbell, I call your attention to the headline in the Edmonton Journal, page 1, for February 9th, 1951, which reads: "Raise option to 460 acres for chemical plant site." Now, I know this is a long ways back -- .

THE COMMISSIONER: What's the date of that?

MR. MAYNARD: February 9th, 1951. This is a long ways back, Mr. Campbell, but in your activities with the development of townsites at that time, as you have already indicated, do you recall anything concerning the announcement in the Journal about that time?

A Well, it was one of the main things that gave me the clue as to -- that a plant of that size, if it was going to be erected it would certainly need a lot of lumber, because at that time there was very little precast concrete, so therefore they made their own forms, and that this plant would be using a great deal of ordinary lumber. That is one of the reasons, plus the fact that I was certainly thinking of a townsite.

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J. H. Campbell - Maynard Ex.

Q Well, Mr. Campbell, one of the paragraphs in the paper reads as follows:

"Site of the chemical plant on the basis of the property option will be three miles east of Imperial Oil Ltd.'s refinery, and a mile and a half north of the British American Oil Company Ltd. refinery now under construction. Officials of Celanese Corporation are expected to arrive in Edmonton within the next week or so to make final engineering surveys, and Honourable N. E. Tanner, Minister of Mines and Minerals, returned from Lethbridge Friday, said he had a long distance telephone call from Harold Blankey of New York City, president of Celanese Corporation, informing him of the company's decision to build a large chemical plant here."

Now, there is something else in addition in the paper, but what my question actually is, Mr. Campbell: can you remember this information coming out in the Edmonton Journal at that time?

MR. CLEMENT:

Well, Mr. Commissioner, if my friend states that that has been obtained as a print of the Edmonton Journal, then I think it should go in as an exhibit for this reason only: the fact that in the early stages of this inquiry there was considerable exploration as to what information the public had at what period of time in connection with this development, and now we have

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J. H. Campbell - Maynard Ex.

MR. CLEMENT: (Cont.) something tangible.

MR. MAYNARD: You will recall, Mr. Commissioner, that when Mr. Martland was on the stand, he indicated that there had been a formal announcement made, that appeared in the Edmonton Journal, and that formal announcement was introduced as an exhibit. Mr. Martland also advised that there had been a previous announcement before that in the Wall Street Journal, of some issue in January -- I haven't the date quite before me now -- and that there had been some previous announcement that he did not have at the time. I'm submitting this as the previous announcement of knowledge to the public of the indication that this plant was coming into Edmonton, and this announcement was made on February 9th, 1951.

THE COMMISSIONER: Have you any submission to make, Mr. Gill?

MR. GILL: No submission, thank you. That appears to be proper.

THE COMMISSIONER: Yes, I think it is quite relevant because Mr. Martland's evidence stating that there were public announcements --- this is -- .

MR. CLEMENT: We have inspected that, and I think it is quite proper.

THE COMMISSIONER: Indication that there was -- yes, and that will go in as Exhibit 424.

MR. GILL: I will just rely on Mr. Maynard that the page does match the date.

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J. H. Campbell - Maynard Ex.
- Wright Ex.

MR. WRIGHT: There is no date on the actual
excerpt.

MR. MAYNARD: No. I brought the entire page.

It is rather difficult now to obtain the complete pages of
the Edmonton Journal because everything is microfilmed now,
but this was obtained from the Public Library, and I
brought the rest of this, and it can be put together if
anybody wants -- .

THE COMMISSIONER: Well, the whole thing can be
tacked together.

MR. MAYNARD: I don't think it's necessary to
put --.

MR. WRIGHT: Oh, yes, put the whole thing in.

THE COMMISSIONER: Yes, I think if you just tack them
with a --

MR. MAYNARD: Fine, we will put it all in.

EXCERPT FROM THE JOURNAL OF
FEBRUARY 9th, 1951, IS MARKED
EXHIBIT 424.

MR. MAYNARD: That's all, Mr. Campbell.

THE COMMISSIONER: Mr. Clement?

MR. CLEMENT: No, I have nothing more, sir.

THE COMMISSIONER: Thank you, Mr. Campbell.

MR. WRIGHT: May I ask one question?

THE COMMISSIONER: Mr. Wright? Yes.

MR. WRIGHT EXAMINES WITNESS:

Q Now, you told us that there was general agreement amongst
the members of Ideal Homes as to the approach to be made to

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J. H. Campbell - Wright Ex.

Q (Cont.) the City.

A I think this was understood.

Q Yes.

A Yes.

Q So that you wouldn't, in dealing with any members of the City administration, advance something which, by way of settlement, which was not acceptable to the City -----to Ideal Homes Ltd., would you?

A I don't think so, not to my knowledge, no.

Q Yes, including the methods of achieving it?

MR. MAYNARD: Oh, well, now.

MR. CLEMENT: That is quite a far way -- .

MR. MAYNARD: That is a different question altogether, Mr. Commissioner.

THE COMMISSIONER: Oh, I think that's a pretty sweeping question, Mr. Wright.

MR. WRIGHT: All right, and -- .

THE COMMISSIONER: He doesn't have to answer that question.

MR. WRIGHT: Fine; and Mr. Hooke was certainly one of those that was agreed on this approach?

MR. MAYNARD: Well, which approach? We don't know what we are talking about now.

Q MR. WRIGHT: The approach that was to be made to the City from the general point of view of settling the dispute.

A The approach that was used, yes.

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J. H. Campbell - Wright Ex.

MR. CLEMENT: What do you mean by "approach"?

A Why, the letters of suggestion and correspondence with the City Commissioners as to relocation of Ideal Homes, is what I am thinking of, yes.

MR. GILL: Mr. Commissioner, arising out of that -- .

MR. CLEMENT: Well, now, -- .

MR. GILL: Yes, Mr. Maynard -- .

MR. CLEMENT: Well, all right, she's adrift.

MR. MAYNARD: No.

MR. GILL: Well, I -- .

MR. MAYNARD: How long are we going to carry on?

MR. GILL: Well, I just want to clear up -- .

You were asked by Mr. Clement on November 15th, at page 3859 in the transcript -- Mr. Clement said:

"And what interest did Mr. Hooke continue to have in the company after 1955?"

and you answered:

"More or less directing the affairs of the company to reach a solution with the City of Edmonton."

You stand by that answer, don't you, Mr. Campbell?

A Yes -- .

MR. GILL: Thank you.

A -- and I have said nothing different to it.

MR. CLEMENT: Thank you.

THE COMMISSIONER: You may step down, Mr. Campbell.

A Thank you.

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J. H. Campbell - Wright Ex.

MR. CLEMENT:

another round.

MR. MAYNARD:

Well, Mr. Maynard is entitled to

No, I'm satisfied.

MR. GILL:

If it were done, let it be done

quickly.

(Witness retires.)

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Discussion

MR. CLEMENT: Mr. Commissioner, I am afraid I have run out of business for the Commission this morning.

THE COMMISSIONER: Is Mr. Menzies coming this morning?

MR. CLEMENT: No, he's at a meeting of Commissioners this morning and I have left a message for him to appear at nine o'clock Tuesday morning. I think, so far as I understand, it will be very brief, sir.

THE COMMISSIONER: Am I correct in understanding then that on Tuesday morning we will hear from Mr. Menzies and then if a witness is required arising out of examination of the assessment and tax records of the County of Strathcona, subject to those two witnesses, that concludes the evidence other than that of Mr. Hooke and the accountant?

MR. CLEMENT: It was agreed sir that two auditors . . . you are right, sir.

THE COMMISSIONER: Yes, only those two witnesses other than the auditors and Mr. Hooke.

MR. CLEMENT: Oh, yes.

THE COMMISSIONER: In this part of the Inquiry or are there other witnesses?

MR. MAYNARD: No, we will have two different auditors present.

THE COMMISSIONER: Yes?

MR. MAYNARD: Because Mr. Hooke had one auditor dealing with Ideal Homes and the other dealing with the Sherwood Park properties. I have already made an appointment with one auditor this afternoon to alert him.

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Discussion.

THE COMMISSIONER: Yes.

MR. MAYNARD: I hope to get in touch with the
other one also this afternoon.

THE COMMISSIONER: Yes, my understanding then, subject
to Mr. Menzies and a possible witness from the County of
Strathcona that we then hear from these auditors and then
Mr. Hooke. Is my understanding correct?

MR. WRIGHT: My Lord, we can't be expected to
examine the auditors orally without seeing their records
first. Can we?

MR. CLEMENT: I don't think there is any great
difficulty about it. Let's meet it as it arises, sir.

MR. WRIGHT: Oh, surely My Lord, if the auditors
are coming in here with statements for many years, are we
expected to examine thoroughly, to ask any questions just off
the bat, just turning over the pages? Apart from anything
else, My Lord, it would be a waste of time.

MR. MAYNARD: Mr. Commissioner, insofar as the
Sherwood Park and the related transactions, land transactions
Mr. Hooke has had in this area, that is the Kutt land and
so on, the auditors have prepared statements that can be made
available and, they are very simple.

Insofar as Ideal Homes is concerned, that is ...

MR. CLEMENT: Yes, if I might, I don't want to
interrupt my friend ...

MR. MAYNARD: Yes.

MR. CLEMENT: ... but sir, we are talking about

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Discussion.

MR. CLEMENT: (cont.) Sherwood Park and I do direct your attention to this that there are only, in my view, two matters to be taken into account on the financial side. What did Hooke report and what did he sell it for, the total price. Beyond that I don't know what interest this Inquiry can have.

That is not a very great task.

MR. MAYNARD: No, that is not difficult and that can be produced, that can be produced for Sherwood Park and it can be produced for the Whitecroft acreage, it can be produced for the various land transactions and, that is very simple.

Insofar as Ideal Homes is concerned I happen to have discussed this matter with the auditors, I do not know the extent to which Mr. Hooke is involved financially as a result of advances to prevent Ideal Homes going bankrupt. I know that the auditors were asked by the Income Tax Department in 1962 to prepare an Income Tax Statement and this is the Exhibit now filed with the Commission. There has been nothing kept up by the auditors since 1962 because Ideal Homes was a dead issue and at this point I don't know just what kind of a statement we can obtain for Ideal Homes and consequently I am in no position to present any information.

The rest of it is a very simple matter as Mr. Clement has explained. The statements will show the amount of monies that were paid for the properties; the amount of money that

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Discussion.

MR. MAYNARD: (Cont.) was paid for expenses in connection with the properties and the sale price, together with a net profit or net loss as the case may be and on that basis there is no problem in examination.

THE COMMISSIONER: I think the proper procedure is have the auditors here and have them present the statements and if the statements contain material that takes counsel by surprise and they want time to study it, why certainly then is the time, Mr. Gill, to apply for time to study it.

MR. GILL: I certainly shall.

THE COMMISSIONER: But, I think we are talking sort of in the abstract, now let's see what the statements are.

MR. GILL: I just say sir, if they are complicated, I for one --

THE COMMISSIONER: If you require time to study them why certainly, you know that with a reasonable request, why certainly it will be considered --

MR. GILL: I know that such a request will receive consideration.

THE COMMISSIONER: Yes, certainly, it will receive attention.

MR. GILL: Thank you sir.

THE COMMISSIONER: I would like at this point then on that basis that we have just discussed, to inquire if there is anyone here in this courtroom who wishes to come forward and make any ...

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Discussion.

MR. CLEMENT: Perhaps sir it might be made broader;
anyone of the public...

THE COMMISSIONER: Anyone of the public, anyone in this
courtroom or anyone in the public who wishes to come forward
and tender any testimony with respect to this aspect of
the Inquiry.

Well, if not, we will adjourn on the basis that we
have just discussed.

MR. CLEMENT: Thank you sir.

(The Hearing stood adjourned at
12:35 P.M.)

